

## HOUSE OF REPRESENTATIVES.

MONDAY, May 13, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy grace, O Lord God, our heavenly Father, possess our minds and hearts this day, that our paths may be bright, our ways gentle, our work efficient in Thy sight; and all praise shall be Thine, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6244. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army;

S. 5608. An act to provide for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes;

S. 247. An act to provide for the erection of a public building at Twin Falls, Idaho;

S. 250. An act to provide for the erection of a public building at Idaho Falls, Idaho;

S. 5851. An act to increase the appropriation for the addition to the post-office building at Detroit, Mich.;

S. 6342. An act to provide for the erection of a public building at Buckhannon, W. Va.;

S. 5206. An act to amend that portion of the act of Congress approved March 3, 1911 (36 Stats. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake;

S. 4166. An act for the relief of Lawson Reno, collector second district of Kentucky;

S. 5507. An act for the relief of A. W. Cleland, jr.;

S. 3452. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary;

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho;

S. 6245. An act to provide for an enlarged homestead entry in Arizona, where sufficient water suitable for domestic purposes is not obtainable upon the lands;

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes;

S. 5952. An act to provide for an enlarged homestead entry in Nevada, where sufficient water suitable for domestic purposes is not obtainable upon the lands;

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors;

S. 2949. To establish a hydrographic station at Los Angeles, Cal.;

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North, between Pembina, N. Dak., and St. Vincent, Minn.;

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 5387. An act to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me.;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 2001. An act to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the Revenue Marine, and for other purposes;

S. 5906. To provide for the erection of a public building at Keyser, W. Va.;

S. 6283. An act increasing the cost of erecting a public building at Olympia, Wash.;

S. 4148. An act to provide for the acquiring of title to public lands classified as and carrying phosphate deposits.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River.

The message also announced that the Senate had passed with amendments the bill H. R. 20840, entitled "An act to provide

for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia," in which the concurrence of the House of Representatives was requested.

## ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.;

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes; and

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6244. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army; to the Committee on Military Affairs.

S. 5608. An act providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes; to the Committee on Military Affairs.

S. 247. An act to provide for the erection of a public building at Twin Falls, Idaho; to the Committee on Public Buildings and Grounds.

S. 250. An act to provide for the erection of a public building at Idaho Falls, Idaho; to the Committee on Public Buildings and Grounds.

S. 5851. An act to increase the appropriation for the addition to the post-office building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

S. 6342. An act to provide for the erection of a public building at Buckhannon, W. Va.; to the Committee on Public Buildings and Grounds.

S. 4166. An act for the relief of Lawson Reno, collector second district of Kentucky; to the Committee on Claims.

S. 5507. An act for the relief of A. W. Cleland, jr.; to the Committee on Indian Affairs.

S. 3452. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary; to the Committee on Claims.

S. 4791. An act authorizing the patenting of certain lands to rural high school district No. 1 of Nez Perce County, Idaho; to the Committee on the Public Lands.

S. 6245. An act to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on the Public Lands.

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes; to the Committee on Indian Affairs.

S. 5952. An act to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on the Public Lands.

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors; to the Committee on Interstate and Foreign Commerce.

S. 2949. An act to establish a hydrographic station at Los Angeles, Cal.; to the Committee on Naval Affairs.

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.; to the Committee on Interstate and Foreign Commerce.

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 5387. An act to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me.; to the Committee on Interstate and Foreign Commerce.

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington; to the Committee on Military Affairs.

S. 2001. An act to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the Revenue Marine, and for other purposes; to the Committee on Naval Affairs.

S. 5906. An act to provide for the erection of a public building at Keyser, W. Va.; to the Committee on Public Buildings and Grounds.

S. 6283. An act increasing the cost of erecting a public building at Olympia, Wash.; to the Committee on Public Buildings and Grounds.

S. 4148. An act to provide for the acquiring of title to public lands classified as and carrying phosphate deposits; to the Committee on the Public Lands.

S. 5206. An act to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake; to the Committee on the Public Lands.

#### ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being the day set apart for the consideration of business from the Committee on the District of Columbia, I move to take up Senate bill 2224, to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

Mr. RUCKER of Missouri. Mr. Speaker, I request the Speaker to lay before the House House joint resolution 39, with a Senate amendment, in the nature of a conference report.

Mr. JOHNSON of Kentucky. I ask for the regular order, Mr. Speaker.

Mr. RUCKER of Missouri. It is a privileged report.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I would like to inquire whether the bill referred to by the gentleman from Missouri [Mr. RUCKER] is here in the shape of a conference report or not?

Mr. JOHNSON of Kentucky. It is not a conference report, Mr. Speaker.

The SPEAKER. The Chair will state to the House that where there is a dispute about conference reports and other matters being taken up, in the very nature of things the conference reports ought to have the right of way.

Mr. JOHNSON of Kentucky. Mr. Speaker, I insist on the regular order.

The SPEAKER. There is this much to be said about it: The matter is here in the shape of an attempt to try to get the two Houses together upon it.

Mr. BARTLETT. The Speaker made a reference to conference reports.

The SPEAKER. Yes; the Chair stated that, but the Chair was referring to the machinery of the House that tends to bring a matter in conference to an ultimate conclusion.

Mr. BARTLETT. Yes; but I desire to suggest to the Speaker, if the Chair will permit, that there is a difference as a matter of privilege between the consideration of a conference report and a mere matter on the Speaker's table, a report or message from the Senate informing the House of its action upon a certain measure. As I understand the situation—and if I am incorrect in the statement that I make of it I would be glad to be corrected by the Speaker—if I understand the proposition before the House correctly, there is no report of the conferees of the House, no report to the House of the result of their conference. The conferees on the part of the House have not made any report to the House. The Senate conferees reported to the Senate a disagreement. The Senate, on motion of a Senator, took a vote upon the proposition that the Senate recede from its amendment to the House resolution. The Senate voted down that proposition.

The SPEAKER. The Chair would like to ask the gentleman from Georgia a question.

Mr. BARTLETT. I will be glad to answer it if I can.

The SPEAKER. Is not the whole machinery about conference reports, and so on, and so on, made privileged for the purpose of reaching the ultimate stage of any legislation?

Mr. BARTLETT. That is true. But we have no conference report here, Mr. Speaker, and if there was a report from the conferees, then it would be a matter of absolute privilege to take it up and for the House to dispose of the matter. I do not wish to occupy the position, Mr. Speaker, that business

upon the Speaker's table can not be called up and disposed of, but I do occupy the position, Mr. Speaker, that a conference report is of greater privilege and priority than a mere message from the Senate informing the House of the action of the Senate upon a particular House bill or resolution; and therefore I rose to a parliamentary inquiry before the proposition was put or acted upon, in order that the Speaker might state to the House the exact parliamentary situation of this resolution.

The SPEAKER. The Chair will state it, and if he does not state it correctly, somebody that knows exactly the details will please state it.

Mr. MANN. Mr. Speaker, may I call the attention of the Speaker to the situation?

Mr. BARTLETT. May I inquire—if the gentleman will allow me to continue for a moment, or I will yield to him if he desires—may I inquire of the Speaker whether the conferees on the part of the House have made any report to the House on the action of the House conferees as to the conference on the difference between the two Houses?

Mr. RUCKER of Missouri. I will say no.

The SPEAKER. The conferees of the House have not made any such report. The Senate sent a message over to the House stating that they adhered to the Senate amendment.

Mr. BARTLETT. Exactly, and that is upon the Speaker's table.

The SPEAKER. That is upon the Speaker's table, and it is a privileged matter.

Mr. BARTLETT. I do not dispute that proposition, Mr. Speaker. Far be it from me to do so, because I am too familiar with the rules to dispute the proposition. But I suggest to the Speaker, if he will pardon me for making the suggestion, that that did not assume the same character of privilege as would put everything else out of the way.

The SPEAKER. The gentleman from Texas [Mr. BURLISON], for instance, has a proposition about a conference report, and if he had brought in a conference report and were in here with the report and he and the gentleman from Missouri [Mr. RUCKER] were competing with each other for recognition, the Chair in his discretion would recognize the completed conference report of one committee in preference to an unfinished conference report of the other. But no such situation has arisen here.

Mr. BARTLETT. But, Mr. Speaker, if the Chair will indulge me a moment, the conferees did report to the Senate.

Mr. MANN. No.

Mr. BARTLETT. Then I will withdraw from what I said. I thought they did. The Senate conferees went into the Senate and made a motion that the Senate recede from its amendment, which was voted down, and the House conferees, as I understand it, or the Senate conferees, have made no report to either House; and the matter in dispute between the two Houses, so far as the Journals of the two Houses show, is still in conference between the two Houses and not here for consideration.

The SPEAKER. But it is not still in conference, because the conference broke up without an agreement.

Mr. BARTLETT. Mr. Speaker, at the proper time I desire to be recognized to make a preferential motion.

The SPEAKER. The gentleman's rights will be protected.

Mr. MANN. Mr. Speaker, the House passed a resolution. It went to the Senate. The Senate amended the resolution. It came back to the House. The House disagreed to the Senate amendment, and the matter went to conference. In the Senate, without any report from the committee of conference, action was taken upon the resolution, as was perfectly proper, and that action has been messaged over to the House and is now on the Speaker's table. It has got beyond the point where it has to go to a committee.

Now, Rule XXIV provides that the daily order of business shall be as follows:

First. Prayer by the Chaplain.

Second. Reading and approval of the Journal.

Third. Correction of reference of public bills.

Fourth. Disposal of business on the Speaker's table.

This resolution is on the Speaker's table to be disposed of.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct. The Chair will make a general statement about this, as it will save trouble hereafter.

The Chair has no knowledge of what sort of motion the gentleman from Missouri [Mr. RUCKER] proposes to make, and the Chair does not care to know. That is the gentleman's right. He may ask for a new conference, if he wants to, to insist on consideration of the Senate amendment; or he may move to concur in the Senate amendment; or he may make any other motion that is proper; and if the gentleman from Georgia [Mr. BARTLETT] wants to make a preferential motion, he has a perfect right to do it; but the entire machinery of the House, especially with reference to conference reports, is intended, in



the light of the experience of the House, to bring things to an ultimate conclusion; because if a conference report did not have the right of way, then there would be no limit to this session except the first Monday in December. In recognizing various gentlemen for various purposes the Chair must keep in view the promotion of necessary public business.

Mr. BARTLETT. Mr. Speaker, if the Chair will pardon me, I have made no point of order on the proposition. I merely endeavored, if I could, to get the parliamentary situation before the House, so that those of us who did know what it was might act in accordance with the rules of the House. Now, Mr. Speaker, I do not doubt the right of the conferees, or of any Member of the House, to call for the submission of matters upon the Speaker's table which are privileged. The only thing I suggested that might contravene that idea was that that particular kind of privileged matter was not of the degree of privilege that a conference report was, and that is all I have done.

The SPEAKER. If the gentleman will permit, the gentleman rose to a parliamentary inquiry.

Mr. BARTLETT. Yes; that is all I could do, Mr. Speaker, to get the floor.

The SPEAKER. But under the guise of a parliamentary inquiry the gentleman very skillfully raised two or three points of order.

Mr. BARTLETT. I do not know whether I did it skillfully or not, but I intended to do just exactly what I did.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. Was not to-day set apart by unanimous consent for consideration of business coming from the District Committee?

The SPEAKER. This is the regular District day.

Mr. SIMS. The regular District day, and not by unanimous consent?

The SPEAKER. It is.

#### ELECTION OF SENATORS BY POPULAR VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I request the Chair to lay before the House joint resolution 39, with the Senate amendments.

The SPEAKER. The Chair lays before the House a certain House joint resolution, with Senate amendments, which the Clerk will report by title.

The Clerk read the title of House joint resolution 39, proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The SPEAKER. The Clerk will now report the resolution of the Senate adhering to its amendment.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,  
April 23, 1912.

*Resolved*, That the Senate further insist upon its amendment to the joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. RUCKER of Missouri. Mr. Speaker, it is my purpose at the proper time to move that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. BARTLETT. Will the gentleman make that motion now?

Mr. RUCKER of Missouri. I do not make that motion now, but I am simply trying to notify gentlemen of what I propose to do.

Mr. BARTLETT. I have a preferential motion.

The SPEAKER. The Chair will recognize the gentleman from Georgia in ample time.

Mr. BARTLETT. But, Mr. Speaker—

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has the floor.

Mr. BARTLETT. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. My point of order is that if the gentleman from Missouri declines to make any motion at all, then any Member who has a preferential motion has a right to make that motion now.

The SPEAKER. Undoubtedly the right to make a motion is not confined to the gentleman from Missouri.

Mr. RUCKER of Missouri. Mr. Speaker, I have announced what motion I intend to make.

The SPEAKER. The gentleman will have to make his motion.

Mr. RUCKER of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment known as the Bristow amendment, and concur in the same.

The SPEAKER. The gentleman from Missouri moves that the House recede from its disagreement to the Senate amendment and concur therein.

Mr. BARTLETT. Mr. Speaker, I make the preferential motion which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

To concur in the Senate amendment with the following amendment: "Provided, That Congress shall not have power or authority to provide for the qualifications of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, or returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States or troops of the United States at the polls during said election."

Mr. RUCKER of Missouri. Mr. Speaker—

Mr. BARTLETT. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Having offered a preferential motion which tends to bring the two Houses together, I claim that that is the first question to be debated, and that the Member offering that motion is to have control of the time and debate so far as his side is concerned upon that motion.

The SPEAKER. Undoubtedly, when the time for voting comes the motion offered by the gentleman from Georgia is first to be voted upon.

Mr. BARTLETT. But, Mr. Speaker, that is not the point of order I made.

Mr. RUCKER of Missouri. I claim that I have the floor.

The SPEAKER. The gentleman from Missouri was recognized and is entitled to the floor for one hour.

Mr. RUCKER of Missouri. Mr. Speaker, unless there can be an agreement for a reasonable time for debate within an hour the gentleman from Missouri will move the previous question on these motions. If there is anybody opposed to this measure, I will agree as to the time to be allowed for debate.

Mr. BARTLETT. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I raise the point of order, and ask the judgment of the Chair upon it, that the gentleman from Missouri having moved to concur in the Senate amendment, and I having made a preferential motion to concur in the Senate amendment with an amendment, which motion takes precedence over the motion to concur, that that motion is to be first disposed of, and that the party offering the motion is entitled to proceed and discuss that motion and control the time for one hour.

The SPEAKER. The situation is this: Both motions are pending, and when the vote is taken the vote will first be taken on the motion offered by the gentleman from Georgia. In the meantime the gentleman from Missouri has the floor and is entitled to one hour. He is entitled to do what he pleases with that hour under the rules of the House. If he wants to move the previous question he has the right so to do.

Mr. BARTLETT. Anybody can move the previous question.

The SPEAKER. But he can not do it while the gentleman from Missouri has the floor.

Mr. RUCKER of Missouri. Mr. Speaker, if we can not agree as to the time for general debate something will occur suddenly.

Mr. BARTLETT. Oh, there is no question as to what the gentleman from Missouri will do.

Mr. PAYNE. There is nobody on this side that is opposed to this proposition.

Mr. RUCKER of Missouri. Is there anybody on this side of the House that is opposed to the proposition?

The SPEAKER. The Chair will recognize the gentleman from Georgia [Mr. BARTLETT] as having charge of the opposition.

Mr. BARTLETT. And I am proud to occupy that position, Mr. Speaker.

Mr. RUCKER of Missouri. How much time does the gentleman from Georgia want for debate?

Mr. BARTLETT. I want about an hour myself.

Mr. RUCKER of Missouri. And how much time for that side?

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a question for unanimous consent.

The SPEAKER. Touching this matter?

Mr. HENRY of Texas. Touching this matter.

Mr. BARTLETT. I think the gentleman from Missouri and I can agree upon the time.

The SPEAKER. The gentleman from Texas asks unanimous consent to make a request.

Mr. HENRY of Texas. I ask unanimous consent that 30 minutes' time be allowed to the gentleman from Missouri and 30 minutes' time to the gentleman from Georgia [Mr. BARTLETT].

Mr. MANN. And at the end of that time the previous question to be considered as ordered?

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this matter shall extend for one hour, the gentleman from Missouri and the gentleman from Georgia shall have half an hour each, and that at the end of the hour the previous question shall be considered as ordered.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that debate may be limited to two hours—one hour on a side, the gentleman from Georgia to control one hour and I to control the other.

The SPEAKER. The gentleman from Missouri asks, in lieu of the request of the gentleman from Texas, that general debate be limited to two hours, one hour on a side; that the gentleman from Georgia [Mr. BARTLETT] may control one hour and the gentleman from Missouri [Mr. RUCKER] the other hour; and at the end of the expiration of the two hours the previous question shall be considered as ordered.

Mr. BARTLETT. The previous question on what?

The SPEAKER. On these two motions. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I desire to know if the business for District day will follow immediately after this matter is disposed of?

The SPEAKER. The District business will follow immediately after these motions are disposed of unless a supplemental privileged motion or request is made. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it is so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PEPPER, for eight days, on account of important business.

To Mr. HEFLIN, for one week, on account of important business.

#### WITHDRAWAL OF PAPERS.

Mr. KAHN, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of House bill 5748, granting a pension to Mary Burnett, Sixty-second Congress, no adverse report having been made thereon.

#### ELECTION OF SENATORS BY POPULAR VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to have read from the Clerk's desk a letter written April 27, 1912, by John M. Stahl, of Chicago, legislative agent of the Farmers' National Congress, on this subject.

The Clerk read as follows:

FARMERS' NATIONAL CONGRESS,  
UNITED STATES OF AMERICA,  
Chicago, April 27, 1912.

Hon. WILLIAM W. RUCKER,  
The House, Washington, D. C.

DEAR SIR: The Farmers' National Congress, which for 20 years has advocated the direct election of United States Senators, is indeed gratified to observe that the joint resolution bearing on this reform is about to receive the sanction of both Houses, and largely because of the conciliatory attitude of the House. This confirms the opinion we have always entertained and expressed that the Congress of the United States is a remarkably high-minded, honorable, and patriotic body, earnestly desiring to do that which will be for the public welfare and ready to surrender small differences of opinion to gain real progress and reform.

We most earnestly hope that when the joint resolution above referred to comes to a vote in the House next week that it will receive a large favorable vote, making such a large majority in its favor as will carry much weight to State legislatures.

The farmers of the United States are watching with much interest the course of the two Houses of Congress on this and other measures, and will note with interest the votes of individual Members of Congress.

I most earnestly ask you to use a moment of the precious time of the House to communicate to it the very earnest wish of the farmers of the United States, as expressed through the Farmers' National Congress, for the passage of the joint resolution for the direct election of Senators, coupled with our very high opinion of the Congress of the United States and belief in its sincerity, ability, and patriotism.

I have the honor to be,

Very respectfully, yours,

JOHN M. STAHL,  
Legislative Agent, Farmers' National Congress.

Mr. AUSTIN. Mr. Speaker, before the gentleman from Missouri yields the floor I would like to ask him if he has a letter from the Woman's National Suffrage Association, or Mrs. Bennett, of Kentucky, which he could read to the House?

Mr. RUCKER of Missouri. I have received a letter from the gentleman's constituent, which I will transmit to him.

Mr. AUSTIN. She is not a constituent of mine.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to know who has the conclusion of this debate as it now stands, the gentleman from Missouri or myself? The first motion comes from him, but my motion is a preferential motion, and being the first to be voted on should I not have the close of the debate?

The SPEAKER. The Chair would think that the gentleman from Missouri has the right to conclude the debate.

Mr. RUCKER of Missouri. That has been the universal practice.

Mr. BARTLETT. I do not think it has been the universal practice.

The SPEAKER. The motion of the gentleman from Missouri brings the two Houses together.

Mr. BARTLETT. So does mine, Mr. Speaker.

The SPEAKER. If some gentleman were to arise and make the motion to amend the amendment of the gentleman from Georgia, why, then, according to his own theory, the closing of debate would shift to that Member.

Mr. BARTLETT. Not at all, Mr. Speaker.

Mr. RUCKER of Missouri. The parliamentary practice is that I would have the closing of debate.

Mr. BARTLETT. The gentleman has not investigated the practice.

The SPEAKER. The practice is, a Member occupying the position of the gentleman from Missouri, with reference to this bill, would have the closing.

Mr. RUCKER of Missouri. And the gentleman from Georgia knows the precedents— [Cries of "Regular order!"]

The SPEAKER. The Chair is willing to hear the gentleman on the question of order.

Mr. BARTLETT. I merely wanted to have the question of procedure settled.

The SPEAKER. The Chair thinks that the closing of debate rests with the gentleman from Missouri.

Mr. BARTLETT. All right.

The SPEAKER. The Chair recognizes the gentleman from Georgia for one hour.

Mr. BARTLETT. Mr. Speaker, it is unfortunate that a question of so much importance to all the people of the United States, involving a question of a radical change in the form of our Government, should be permitted to be considered but for an hour on each side. It is unfortunate that a proposition so vital to the welfare, the continued progress of prosperity of the section from which I come—to the 13 States of this Union known as the Southern States—in which they are vitally interested, should be permitted to be discussed so briefly. It is still more unfortunate, Mr. Speaker, that a proposition which has time and time again received the condemnation of this Democratic House, certainly upon two roll calls, should now be approved by this House and the Democratic position thereon reversed, and that only an hour should be given to those who would uphold the right and dignity of this House; it is true that the gentleman from Missouri [Mr. RUCKER] can take an hour to show the reasons why he has receded from his former position, but he may occupy the entire hour himself, he may occupy the entire day if he chooses, he may speak until the hours become days and the days become weeks and the weeks become years and the years become cycles and ages, but the gentleman from Missouri will never be able to satisfy the country and this House why this radical change on the position which he presents to the House is justified. Mr. Speaker, I recall some of the history of this resolution. Last year, on April 13, the gentleman from Michigan [Mr. YOUNG] offered, as an amendment to the Rucker resolution, this same identical amendment, which reappears as the Bristow Senate amendment. It was advocated then by Members upon that side, and especially and strongly by the gentleman from Kansas [Mr. JACKSON]. In the debate the gentleman from Missouri [Mr. RUCKER] himself resisted its adoption in earnest and eloquent language, and called upon this side of the House to vote down this proposition, and upon a roll call a majority of 68 Democrats was then recorded against the identical proposition. On the 21st of April, 1911, when a motion was made by the gentleman from Pennsylvania [Mr. OLMSTED] that the House concur in the amendment, and the gentleman from Missouri again was heard in debate against it, the House, by a majority of 60—111 yeas and 171 nays—refused to concur in this Senate amendment. Through the long summer months, the fall months, and the winter months, and now into the coming of summer again, this proposition lay in the conference committee, with a determination on the part of the conferees to stand by the will of the House and not to accede to the demands of the Senate.

And now, Mr. Speaker, we have the remarkable proposition, without any report from the conference committee, that the House turn its back upon what it did upon former occasions upon this very identical bill and vote to take up the Senate amendment and adopt it by concurring in it. Mr. Speaker, this amendment has somewhat of a history. In the last Congress it was what is known as the Sutherland amendment, and it was voted down in the Senate, and the very Senator who is



the author of this amendment in the Senate this Congress, a Senator from Kansas, voted against this proposition, then known as the "Sutherland amendment." When he returned home to Kansas meetings were held and certain organizations of colored voters demanded that Congress pass this amendment, and the Senator from Kansas offered it again and became its chief champion.

So this might well be dubbed "the Kansas Negro amendment to the Constitution." But time passed, and still no sign of agreement by our conferees, until there came to this city a few days ago a distinguished Democrat, who is the titular head of the party, or at least until we can have another convention; and after a conference with certain leaders of this House it was announced in the newspaper which I hold in my hand—the Washington Post—that Mr. Bryan had come, and after he had conferred with certain gentlemen—the Speaker of this House, the chairman of the Committee on Rules, the chairman of the Committee on Election of President and Vice President—orders had been given to have the House act upon this amendment and recede from its disagreement with the Senate and to accept the same. That is published in the Washington Post.

Mr. RUCKER of Missouri. May I ask the gentleman from Georgia a question?

Mr. BARTLETT. Yes.

Mr. RUCKER of Missouri. Do I understand that the paper said that orders had been given?

Mr. BARTLETT. I do not say the paper said orders had been given, but that is the effect of it, and from what is now occurring it looks very much like orders were given and they are being followed.

Mr. RUCKER of Missouri. That is the gentleman's conclusion about it.

Mr. BARTLETT. Of course, that is my conclusion and that is the conclusion that everyone would draw from this article and the change of front of the gentleman. What other reason can the gentleman from Missouri give for his turnabout face upon this proposition? The gentleman from Missouri marches out of this House backed by a majority of 66, and 60 of his Democratic colleagues of this House, enthused with the belief that he was right, and enthused, I apprehend, with a determination to stand by the will of the House. We supposed that like a knight errant, panoplied with the right that this House should have its will when 66 majority demanded it he would insist on it and we followed him, and we followed him in the contest believing that he would stand firm against the senatorial position and not yield. And lo and behold, instead of being a knight errant, bold and gallant, we find him a mere Don Quixote, returning with his favorite bill upon a stretcher after he had charged the windmills of the Senate. [Laughter and applause.] So the gentleman from Missouri comes back disfigured, maimed, his lance broken, followed by his faithful attendant, the gentleman from New York, whom I will not call his Sancho Panza, because, while he was the only attendant of the gentleman from Missouri in this wonderful crazy charge upon the Senate windmills, still the gentleman from New York did endeavor valiantly to uphold the dignity and right of the House.

So, Mr. Speaker, we are asked to-day to reverse our position. The gentleman from Missouri [Mr. RUCKER], after pledges to the House by his vote, comes back and asks that this amendment, originating in Kansas, demanded chiefly and first by the negro voters of Kansas at the hands of Senator BRISROW, who before had voted against it, shall be agreed to; that this House shall forget its dignity, subvert its will, and pass a law which means the death of this amendment, for, if adopted, it will tend to bring about ruin and chaos again in the sections which some of us represent, and will never receive the approval of those States.

Mr. Speaker, I do not know how else to account for the sudden change of opinion of the gentleman from Missouri [Mr. RUCKER]. I do not know how to account for it unless there be some overweening and dominant power that demands this legislation at our hands. I revere great statesmen; I love my party; I have never scratched a ticket from President to coroner.

I come from a section of country, Mr. Speaker, that during all the political defeats and adversities of the party has never wavered in its devotion to Democracy. We have kept alive, like the vestal virgins of old, the faith and the fire burning upon the altar of our party when others, including Missouri, followed strange gods and hungered after the fleshpots of Egypt. [Applause.] We have not asked for offices, nor have we asked a share in the administration of the Government. I have stood in this House when only 100 Democrats from all this vast domain of ours could answer the roll call on this side; when there were only 10 Democrats from all the States other

than the Southern States. But through such times we have kept the flag flying, we have kept the faith, we have kept the sacred fire alight upon the altar, asking nothing, demanding nothing. You can have your offices, you can have your patronage, but keep away from us the prospects and the probability of reenactment of the former infamous Federal election laws. [Applause.]

Mr. Speaker, I will not recount, because time is too short and the occasion does not demand it, the tribulation, the sorrows, the suffering, the horror, and the infamy of those years—1867 to 1894—when the Federal election law was on the statute books up to the hour when they were repealed by a Democratic Congress. The act of 1894 repealing these Federal election laws was signed by that illustrious Democratic President—the only one we have elected since the war—and he will go down in history as a great President along with Washington, Jefferson, and Madison, though perhaps not so great, but able, honest, faithful, and true—Grover Cleveland, of New York. [Applause.] Some may differ from me as to his greatness, some may malign him, but he will live in history as a great President, who tried to do right as he saw it, when those who have maligned and defamed him are justly forgotten.

Now, Mr. Speaker, the purpose of this Senate amendment is plain. The Senator from New York [Mr. ROOR], while this amendment was being discussed, said:

My proposition is, that if the Members of the Senate are to be elected at popular elections, the Government of the United States must retain the power to make those elections honest and fair and free; the power to say, if the regulations prescribed by the State are not adequate to that end, that they shall be superseded by regulations made by the Congress of the United States. My proposition further is that without that power accompanying this change in the method of the election of Senators, if the change be made, the Government of the United States has surrendered the power for its own preservation and protection.

As evidence of the purpose of the advocates of this amendment I quote from the CONGRESSIONAL RECORD of date February 10, 1911, as follows:

Mr. BACON. Mr. President, do I understand the Senator from New York to mean that if the States have now upon their statute books laws which regulate the suffrage in those States, such as the Senator speaks of as "the grandfather clause," though that is simply a term generic in its character which relates to a general class of legislation—does the Senator mean that, with the laws now upon the statute books of the several Southern States, if the proposed amendment of the Senator from Utah [Mr. SUTHERLAND] should be adopted and we should pass the joint resolution to amend the Constitution and it should be ratified by three-fourths of the States, it would then be within the power of Congress, if it conceived that these grandfather clauses, as they are called, all the body of laws with reference to the regulations and limitations of the suffrage in the Southern States—if Congress should conceive that they were unconstitutional, does the Senator mean that, in his opinion, Congress would have the power, under the amendment of the Senator from Utah, to annul those provisions and to make Federal laws to control the election of Senators in such way as to insure the right to vote to all persons thought by Congress to be entitled to vote?

Mr. ROOR. Without the slightest doubt.

Mr. BACON. Well, Mr. President, it is well that we are given this notice of what the Senator does mean and what the Sutherland amendment means.

Mr. ROOR. I meant to put you on notice, and I mean to put the whole country on notice if my words are able to do so.

Mr. RUCKER of Missouri. Does the gentleman from Georgia [Mr. BARTLETT] concede that the Federal Government has power to fix the qualification of voters?

Mr. BARTLETT. Concede its power to fix the qualification of voters?

Mr. RUCKER of Missouri. Of voters.

Mr. BARTLETT. In the case of Congressmen; yes.

Mr. RUCKER of Missouri. That the Federal Government has the power to fix the qualifications of voters?

Mr. BARTLETT. Yes; I do.

Mr. RUCKER of Missouri. I just wanted to get the gentleman's statement of it.

Mr. BARTLETT. If the gentleman will read the case of Siebold v. the United States he will find the courts so held.

Mr. RUCKER of Missouri. I merely want to say that the gentleman knows a good many authorities, where the Supreme Court has held affirmatively time and again that the General Government has no such power.

Mr. BARTLETT. Mr. Speaker, the gentleman from Georgia has tried to become familiar with the authorities upon this question, and I could give the names of the cases and the volumes in which they are to be found if I had the time. The gentleman has confounded that proposition with the idea that the Congress of the United States has not the power under the fourteenth and fifteenth amendments to prescribe the qualifications, and the States having prescribed them, and not having violated the fourteenth and fifteenth amendments, in not making the distinction on account of race, color, or previous condition, the Supreme Court, God bless it, has sustained our franchise laws.

Mr. RUCKER of Missouri. Mr. Speaker, I understand—

The SPEAKER. Does the gentleman from Georgia [Mr. BARTLETT] yield to the gentleman from Missouri [Mr. RUCKER]?



Mr. BARTLETT. I have to yield.

Mr. RUCKER of Missouri. No; you do not.

Mr. BARTLETT. I will yield.

Mr. RUCKER of Missouri. I beg the gentleman's pardon. As I understand the decision upon this, after the State has enacted a law fixing the qualification of voters then the Federal Government has power to see that every State exercises the law prescribed by the State.

Mr. BARTLETT. I put the opinion of Senator Roor against the gentleman. Then the Senator gives us notice as to what it does mean, and that the Bristow amendment means that Congress, under this amendment, will have power to fix the qualifications of electors, and to the question that the Senator asked him on the floor of the Senate he said, "Without the slightest doubt."

He said:

I mean to put you on notice now, and put the whole country on notice, if my words can do so.

I do not know what the law may be, but I know what the great lawyer in the Senate who advocated it said it meant, and he put the country on notice that he intended it to mean that. That may be an answer to the gentleman; I do not know.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Wisconsin?

Mr. BARTLETT. Yes.

Mr. COOPER. Is not this clause in the amendment: "The electors in each State shall have the qualifications requisite for electors in the most numerous branch of the legislature"?

Mr. BARTLETT. Yes; it has been there ever since the Constitution was enacted.

Mr. COOPER. Does the gentleman claim that under that provision the Congress of the United States would have the right to go into the States and prescribe the qualifications of the voters?

Mr. BARTLETT. I think that fixes the qualifications of electors when they shall be qualified to vote for the most numerous branch of the legislature.

Mr. COOPER. I always understood, and was taught so when I first began the study of law, that suffrage was not a Federal right at all, but that it was a privilege conferred by a State, and the only condition prescribed by a State was that when the State fixes the qualifications there should be no discrimination on account of race, color, or previous condition of servitude.

Mr. BARTLETT. I will read what Mr. Bristow, the author of this amendment, said on the subject:

I do not believe it takes away from the Federal Government the power to appoint a marshal or organize an army, as the Senator from Georgia [Mr. BACON] indicates with such emphasis. If the Federal Government can organize an army now to protect any State or the elections in any State, it can do so if this amendment is adopted.

Mr. COOPER. Will the gentleman permit an interruption right there?

Mr. BARTLETT. Yes.

Mr. COOPER. Under the Constitution as it is to-day, and as the gentleman will leave it, has not the Congress the right to go into a State so far as the election of Representatives in Congress is concerned? If the gentleman wants to conjure up a scarecrow—

Mr. BARTLETT. Oh, if the gentleman wants to ask me a question, I will be glad to answer it; but the gentleman ought not to undertake to argue the question in my time.

Mr. COOPER. We have not changed the authority of Congress?

Mr. BARTLETT. No; and you will not succeed in enacting this amendment, because the States will not vote for it.

Mr. COOPER. So far as the action of Congress is concerned, does the gentleman apprehend any danger from Members of Congress?

Mr. BARTLETT. I do not for the present.

Mr. COOPER. Then why do you apprehend any danger for your Senators? The same people will vote at the same election.

Mr. BARTLETT. Well, I wish I had more time to give the gentleman an opportunity to make a speech against my amendment. I do not think he hurts it any. On the contrary, I think he helps it.

Mr. Speaker, I was a Member of this House for 16 years, when the Republicans had the majority; I have seen Republicans discountenance and vote down and frown down any effort to reenact a Federal election law or to deprive us of representation because of our election laws in the Southern States, passed to protect us from the ignorant and vicious voter. Twenty-two years ago, when that great Speaker and statesman, Thomas B. Reed, was at the helm in this House, nobody was permitted to do it, although certain distinguished Republicans,

on account of overzeal or through reasons of expediency, offered the amendment. Then followed that noble and genial gentleman, David B. Henderson, from Iowa, who was a one-legged Federal soldier who had fought for the cause of the Union and left a part of his manly body upon the battle field. He also frowned upon it. Then came that great old Roman, honest, earnest, sincere, Uncle JOE CANNON, as Speaker. [Applause.] I do not believe with him politically, and do not agree with many things that he did; I have censured him from the political standpoint; but he stood like the rock of Gibraltar, even in a Republican caucus, where his own political life might be at stake, and frowned down and fought down and voted down any effort to rejuvenate and renew the infamous Federal election laws or to injure the South. [Applause.]

And while others may censure, while others may criticize and malign and abuse him, justly or unjustly, he has a place in the hearts of the people of the South that will not be erased because of his generous treatment of the southern people. [Applause.] He may have made political success possible for some of us; nevertheless he did, although stalwart Republican, as he was, as much as anybody to allay the bitterness of the past between the sections, and I take this occasion to give him the thanks of my people. [Applause.]

Mr. Speaker, on Thursday last there gathered within my home town the remnant of the Confederate veterans, the last fragment of that heroic and glorious army that marched beneath the fiery flag of the Southern Confederacy and immortalized southern bravery and valor on every battle field of the Civil War. [Applause.] In thinned ranks and with wasted and tottering forms they joined together with their comrades in celebrating the glories of the past and the valor of their comrades. Before they adjourned, with only one dissenting voice in a meeting of 16,000 soldiers, they passed a resolution in response to the invitation of Gen. Tribble, the commander in chief of the Grand Army of the Republic, agreeing that next year they would meet him and the survivors of the Union Army on the battle field of Gettysburg [applause] to celebrate the anniversary of that great battle by recalling its memories with one another on the field where 50 years ago they stood in battle array, with bayonets pointed at each other's throats, confronting death, and making immortal not simply Union soldiers' and Confederate soldiers' valor, but making immortal the heroism of the American soldier. [Applause.] Is it not time, in God's name, that legislation should stop or, rather, not be renewed, that would reopen the scars that have healed? And shall it be the work of a Democratic House to again reopen and renew the bitterness of the past?

Even to the gentlemen who fathered these propositions that a Republican Congress voted down I now bear no animosity nor do my people bear any animosity. We honor you, because you have recognized the peculiar situation in my country and have said to us, "God bless you in your efforts to solve a problem the like of which no people in the tide of time ever faced."

And now, when Republicans for 16 years have refrained from doing it, the Democratic majority, at the demand of somebody, proposes to do what a Republican House never permitted to find its way on the calendar. When I say to my people at home that my Democratic friends in the North, the East, and the West in a Democratic House have done that which no Republican House ever succeeded in doing when it had a majority ranging at times from 13 to 150, I will tell you what they will say to me. We have followed the Democratic flag. We followed Bryan in three unsuccessful campaigns. Some of us here have taken our political lives in our hands in order to support him. There are friends and neighbors of mine who did not agree with him, and it has taken 15 years to allay their opposition, simply because I was a supporter of the present titular leader of my party. But neither Mr. Bryan, nor the Speaker of this House, nor the gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, nor the gentleman from Missouri [Mr. RUCKER] can drive me or compel me to vote for a proposition which my nature condemns and which my people universally denounce. [Applause.] When a Democratic House shall put this infamy upon my people—I measure my words and mean what I say, with all due respect for those who vote for it and without meaning any offense—when a Democratic House shall put this infamy upon my people, I will give you notice now, in order that you may well reflect upon it, that you test to the breaking point our party loyalty in the coming election. We are for tariff reform. We are for the exercise of the powers of government to control and regulate interstate commerce and to regulate the trusts. We are for an economical expenditure of the Government funds; but, above all these, is our determination to preserve white supremacy. I hear it whispered by some that this is poor Democracy, but those who favor this proposi-



tion will not receive the indorsement and support of my people. I am as true a Democrat as ever lived. I have never scratched a ticket, as I have stated, from President to coroner, and I never shall.

But above the question of the tariff and the economical administration of the Government and the control of trusts and the regulation of interstate commerce arises this vital question for my people. And if a Republican majority would not put it on us for 16 years, shall it be said that the first Democratic majority in 16 years shall do that which no Republican Congress since 1890 ever dared to do? If so, then my people, while they are better Democrats than the people who support these propositions, will not give their approval or their sanction to that set of men who indorse such a doctrine. Call that treason if you please. But if that be treason to the Democratic Party, make the most of it. [Applause.]

How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman from Georgia has consumed 35 minutes.

Mr. BARTLETT. Mr. Speaker, I feel deeply in this matter, and I fear I have taxed my own strength and the patience of the House too far. I would not ordinarily speak as I do, but I feel deeply upon this proposition. I would not utter what I have said, nor would I endeavor to call attention to the difference in the party concerning this proposition, but the party might as well understand it. We have never faltered in our faith to the candidate or to the ticket. When others deserted, when others failed, with the ring of the true metal we answered every call.

This is vital. This bill gives Congress authority to erect in our midst an election board, a returning board, election judges, and supervisors. My amendment prevents Congress from doing these things. As a boy, and even after I grew to manhood, I have seen elections conducted beneath the bayonets of United States troops, by United States marshals, by Federal supervisors, and returning boards. I experienced the nightmare and the horror of it. We have got away from that, thanks in great measure to the patience, to the good will, to the desire of the Republican Party to let us alone. To those who in this great struggle have given us their sympathy we extend our thanks.

We are grateful to those of you who in that great trial gave us your help and forbearance. To those of you over on that side or on this side—Republicans, Populists, or Democrats—who in this hour propose to enact such a law and criticize us for resisting it, I say to you that we shall go on pursuing the course we feel to be right, and those who censure and criticize us will be consigned to the calm indifference of our contempt. [Applause.]

Mr. Speaker, the wisest man the world is said ever to have known, the man who wrote the Proverbs, said once:

There be three things which are too wonderful for me; yea, four which I know not:

The way of an eagle in the air, the way of a serpent upon a rock, the way of a ship in the midst of the sea, and the way of a man with a maid.

Unfortunately for Solomon he did not live in this day. The other thing that would have been too strange and wonderful for him would be the ways of the gentleman from Missouri [Mr. RUCKER] in his performance as conferee between the two Houses. Solomon was not wise enough to understand it, and therefore I will not undertake it.

Mr. Speaker, I have presented, hurriedly and disconnectedly, my objections to this amendment.

Mr. PROUTY. Will the gentleman yield for a question?

Mr. BARTLETT. Always.

Mr. PROUTY. The gentleman several times during this discussion has referred to 13 States. What States did the gentleman refer to?

Mr. BARTLETT. Virginia, North Carolina, South Carolina, Georgia—I will speak for Georgia by authority—Alabama, Tennessee, Arkansas, Mississippi, Louisiana, Texas, and Oklahoma. These States that went through the hell and fire of reconstruction.

Mr. PROUTY. The gentleman means the Confederate States, the States that formed the southern confederacy?

Mr. BARTLETT. Yes.

Mr. PROUTY. And the gentleman is opposed to the amendment because it gives to the Federal Government power to supervise elections?

Mr. BARTLETT. Yes.

Mr. PROUTY. Did the gentleman know that the constitution of the southern confederacy provided for exactly the same thing that we are seeking to put in?

Mr. BARTLETT. I do not care if it did; I would not vote for it now.

Mr. PROUTY. Article 1, section 5, paragraph 1:

The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof, subject to the provisions of this constitution, but the Congress may at any time make or alter such regulations, except as to the time and place of choosing Senators.

Mr. BARTLETT. That is the same as it is in the Constitution of the United States and has been since 1789.

Mr. PROUTY. And the gentleman is trying to take it out.

Mr. BARTLETT. No; I am not trying to take it out. I want it to stay in. It is the provision that you were trying to amend.

Now, Mr. Speaker, my amendment proposes simply to provide that Congress shall not have any power hereafter to supervise the voters in a State, to establish election boards, appoint supervisors of election or returning boards, or to use the Army or the United States marshals at the polls. If that is adopted, then this amendment can be adopted. I appeal to every man on this side of the House, every Democrat, to vote for that amendment.

Mr. Speaker, I know not what may be the result of this amendment. I know that the Democratic Party ought to grant to that great Democratic region from which I come and from which the majority Members on this side come, the poor privilege of adopting this amendment of mine before it passes this new law amending the Constitution. I know as far as the ultimate results are concerned that it will never become a law by amendment of the Constitution of the United States if it is not agreed to, for the adoption of the Bristow amendment rings the death knell for this original resolution.

Be that as it may, Mr. Speaker, we of the South shall go on in the future as we have in the past. In spite of reconstruction and its infamous results, in spite of the Federal election laws, in spite of all that we have arisen from our desolation and our destruction until we stand united, unrivaled in our commercial and agricultural powers and everything that makes up great and powerful States. The vine has yielded its fruit, the earth its increase, and the sun in the heavens the sunshine, the dew and the rain, and in spite of Republican law we have prospered. We are prosperous because we have been enabled by our own efforts to solve in our own way and in God's own appointed time the problems that confronted us. If this opportunity shall be taken now to retard that great prosperity by a Democratic House, well and good, Mr. Speaker, we shall go on in the future as in the past, devoted to our principles of local self-government and the supremacy of the Anglo-Saxon race. We will make our way forward still, and we will stand by our convictions and duties regardless of party, regardless of objections, regardless of all things till—

Wrapt in flames the realms of ether glow  
And heaven's last thunder shakes the world below.

[Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time, which is 15 minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I yield 15 minutes to the gentleman from Texas [Mr. HENRY].

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized.

Mr. HENRY of Texas. Mr. Speaker, it is a matter of regret that I can not relieve the anxiety of the gentleman from Georgia by agreeing with him in his position. I come from the same part of this country from which he hails, the South, and have no dread of the occurrences predicted by him in his remarks. I am against the amendment proposed by the gentleman from Georgia [Mr. BARTLETT] to the motion made by the gentleman from Missouri [Mr. RUCKER], because I know that if this amendment goes back to the Senate of the United States by reason of the Bartlett encumbrance the election of Senators by direct vote of the people will be postponed for many years, and the proposition will die there. [Applause.]

I am in favor of the election of United States Senators by a direct vote of the people of the respective States of this Union.

Mr. Speaker, much has been said on this question, and yet it seems to me that it is necessary to say but little in order to arrive at a correct solution of the problems before us. The gentleman's argument has covered a wide range of topics not at all relevant to the subject. In the first place, he has stated that Mr. Bryan had come to the city of Washington and whispered in the ears of the Speaker and the gentleman from Missouri and my ear that the Bristow amendment should be adopted. Mr. Speaker, long before I talked with Mr. Bryan about this matter, and long before knowing his position, I wired the gentleman from Missouri while I was in Worcester, Mass., favoring the motion he is making to-day and wished to be paired in favor of it.



Mr. BARTLETT. May I ask the gentleman a question?

Mr. HENRY of Texas. I have not the time to yield and regret it. Let me say for the gentleman's benefit to-day that if he would allow himself to follow Mr. Bryan a little oftener he would be more frequently right. [Applause.]

Mr. BARTLETT. And be certain to get beat, too, every time. [Laughter and applause.]

Mr. HENRY of Texas. Yes; as long as Democrats stab the Democratic nominee there is danger of defeat. [Applause.]

Mr. BARTLETT. That is the truth, whether it is acceptable or not.

Mr. HENRY of Texas. Now, Mr. Speaker, let us argue this question as lawyers should and see what it means. We find in the Constitution as our fathers wrote it originally, Article I, section 3:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

That was the original clause. Then we turn over to section 4 and call to it the attention of this House and the country to-day in order that we may understand the question upon which we are to vote, and not allow it to be confused by a lot of sophistries, as the gentleman from Georgia is endeavoring to do.

Mr. BARTLETT. Better have sophistries than nothing at all. [Laughter.]

Mr. HENRY of Texas. This section reads:

The times and places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulation except as to the places of choosing Senators.

Why, gentlemen, hearing the supposed argument of the gentleman from Georgia [Mr. BARTLETT], no one could discover that he had ever read that clause of the Constitution. [Applause.] He conjures up "force bills" and says they will be put upon the South again. There is no man anywhere who has higher regard for the sovereignty and rights of the States than I have, but "force bills" have no terror for me in this day and generation, for they are not again coming. My God, will sectionalism never cease and will not men on both sides of this House lay it aside when we are considering a great constitutional question? [Applause.] Let me say to the gentleman from Georgia that there was never a time during the 125 years' existence of this Government when Congress could not reach out and lay its hands upon every State of this Union in regard to the elections of Senators and Representatives both, except as to the places of choosing the Senators. Now, what does that mean? It simply implies that our fathers saw proper, when they fashioned this Government, to surrender to the Federal Government the power to regulate elections of Representatives and Senators.

Our fathers saw proper, when they fashioned this Government, to surrender to the Federal Government the power to take control of the elections of Representatives if they so desired, and while they have taken charge of the election of Representatives, the same men who voted for Representatives in Congress were voting for the members of the legislature who were to choose the Senators. It is all one election, and every man who intelligently reads the Constitution and statutes understands it. What is the proposed amendment which the gentleman says is so dangerous to the country. Let us analyze it, which as lawyers and patriotic citizens we should do. Here it is, the Bristow amendment, that the gentleman from Georgia endeavors to make appear so dangerous before the American people:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures.

Instead of this Federal Government undertaking to fix the qualifications of electors, this amendment leaves in the Constitution the power providing that the States shall fix the qualification of the electors that choose the Senators and Representatives for the State legislatures. [Applause.] It preserves that right to the people of the various States, and does not take it away from them. Let gentlemen meet the question as it is written in the very face of the amendment and not try to confuse it with sophistry. What more? It proceeds to provide—

That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

That is the Bristow amendment, and is all there is to it. The gentleman from Georgia is trying to strike out of the Constitution something that was placed there when this Government was formed. [Applause.]

I am trying to keep in the Constitution what our fathers wrote there in order that we may this day institute one of the

greatest reforms in the history of the Government by providing for the election of United States Senators. [Applause.] Ah, Mr. Speaker, if we will but concur in this amendment we will have no force bills in the future. There will be brotherly love between the people of every part of this great country; there will be no endeavor on the part of Senators and Representatives to stifle the voice in the different States; but the time will come, and that speedily, when the voters will choose their own Senators by direct election. Expulsion and charges of corruption may cease at the other end of the Capitol [applause], and that body will be the people's forum as well as this House, and destroy the power that now controls legislatures and fills some seats with those who are friendly to special privilege and predatory wealth and those seeking favors from the Government. Therefore I am glad of the opportunity to vote for this motion made by the gentleman from Missouri, and thus vote down the amendment designed to bury it in the Senate of the United States, where it can never again come to life. [Applause.] I am glad to say on this occasion that if we concur in the Bristow amendment we do no violence to those things our fathers placed in the Constitution, but preserve and perpetuate their ideas of government, the genius of this Republic, and make it possible for the people to control every branch of their Governments, both Federal and State. Therefore I proudly cast my vote in favor of the motion offered by the gentleman from Missouri [Mr. RUCKER.] [Loud applause.]

Mr. BARTLETT. Mr. Speaker, right at this point, since the gentleman from Texas [Mr. HENRY] has awakened so suddenly to a knowledge of the Constitution, I desire to call the attention of the House to the votes of the gentleman from Texas upon this constitutional question on two separate occasions. On the 13th day of April, 1911, the gentleman from Michigan [Mr. YOUNG] offered this identical proposition as an amendment to the Rucker bill amending the Constitution. After argument, in which, I believe but I am not positive, the gentleman from Texas participated, a roll call was had on that day, and upon this roll call the gentleman from Texas, the constitutional lawyer from Texas, so well informed of what it means now, voted "no," to be found on page 241 of the Record. Again, on June 21, 1911, this identical Bristow amendment was up before the House and a motion was made by the gentleman from Pennsylvania [Mr. OLMSTED], one of the conferees upon this bill, to concur in that amendment and to concur in this amendment now pending which is to be voted upon, and the gentleman from Texas, who now parades himself as so well informed upon the question and the want of danger in the amendment, voted "no," and that is to be found on page 2433 of the Record of this Congress. Men change, times change, but the gentleman from Texas keeps pace even with the gentleman from Missouri in his kaleidoscopic changes on this question. I yield to the gentleman from Mississippi [Mr. Sisson] five minutes.

Mr. Sisson. Mr. Speaker, before I begin to address myself to this question, since this matter is of so much importance, I will at this time submit a request that the time be extended 1 hour, 30 minutes to be controlled by the gentleman from Missouri and 30 minutes by the gentleman from Georgia. This is a very important question, and I ask to submit that request. I have consulted the gentleman from Missouri, and he states that he would not object.

Mr. RUCKER of Missouri. I will not object.

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman from Mississippi asks unanimous consent that this debate be extended for one hour, the time to be controlled one-half by the gentleman from Georgia and one-half by the gentleman from Missouri. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I object.

Mr. Sisson. I hope the gentleman will not object. You had 15 minutes, and many gentlemen here want to speak.

The SPEAKER pro tempore. The gentleman from Texas [Mr. HENRY] objects. The gentleman from Mississippi [Mr. Sisson] has five minutes.

Mr. Sisson. I ask the gentleman from Texas [Mr. HENRY] to withhold his objection. This is a very important matter to the country. [Cries of "Regular order!"]

Mr. HENRY of Texas. Mr. Speaker, I withdraw the objection, inasmuch as gentlemen seem to be anxious to speak.

The SPEAKER pro tempore. Is there objection to the request made by the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. MANN. I understand that shall not affect the order as to the previous question?

Mr. Sisson. Not at all.

Mr. BARTLETT. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. Sisson].



Mr. Sisson. Mr. Speaker, I am going to be just as frank with the membership of this House as it is possible for a man to be. I realize fully that this amendment places the elections of the Senators in exactly the same condition, if the amendment is voted for by the States, that the Constitution now places the election of Members of the House of Representatives. But there is a vital reason why the fathers of this Republic made a distinction. Under the present Constitution it is not possible for the Federal Government to control the election to both branches of Congress, because under the present Constitution the only thing that the United States Senate can do in reference to the election to the Senate would be to determine whether or not the State legislature had acted honestly and fairly in the election of the Senator. But if this amendment shall go through, then you tear away the legislature of the State and you permit the supervision of elections in the State for Senators just as you may now supervise the election in reference to a Congressman.

Now, in this piping time of peace, when all are dwelling together in unity and fraternal love, we do not need necessarily constitutional protection. And the time may come in the future, in our large territory, which is rapidly being built up, that the cry of Federal encroachment may not come from the South, but from the small New England States, because they are entitled, under the Constitution, to equal representation in the Senate irrespective of the number of people which they have. The large States may become restive over that large representation. The fathers of the Republic so drew this Constitution that the people could protect the Federal Government in the election of Members to the House, and in the event that there was any disposition to change the form of Government and deprive the Federal Government of its rights in the Congress of the United States, it would have the right to protect the Government of the United States. The debates on this question were as voluminous as any other debates at the time the Constitution was adopted, and they reached a compromise so that you might preserve the Federal Government in its sphere and you might protect the State government in its sphere.

The amendment says:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Who, then, shall determine under the State constitution and the State regulation as to election of United States Senator whether a man is qualified and legally entitled to vote? If you pass a Federal election law, then the law of each State will be construed by a Federal court or it will be construed by a Federal commissioner of elections, and when a qualified elector presents himself at the polls to vote his right to vote will not be determined by officers who are appointed and elected by the State legislature which made the law, by the people of the State who made the constitution, but the construction of that State constitution, the construction of the laws placed on the statute books by the State legislatures, will be construed and enforced by Federal officeholders. Why, gentlemen of the House, I care not what you may write in the statutes of these States. I care not what constitutional provision you may have in times of peace. It is in times of stress and storm and in times of political passion that we need some rock, some anchor and protection. In such times, when the tempest of passion runs high and Congress becomes wild with partisanship and ignores the rights of the minority under the present system, the Supreme Court can protect this minority as it has done in the past, but if this amendment becomes a part of the Constitution and the control of the election shall be in the hands of a brutal majority—put it, if you please, a brutal Democratic majority, a brutal Republican majority, a brutal Socialistic majority—then these officers that shall be elected to fill these elective positions will determine whether these State laws have been complied with, and in so doing will, of course, hold that they were, because their election would be by the same system, and the Executive, being chosen by the same method, would also be biased, and though fraud was so rank that it smelled to heaven the election would be declared regular.

I appeal to the membership of this House to be practical about it. Do not be demagogic. I am in favor of the election of the United States Senators by direct vote of the people, but I want it to be by direct vote of the people of these States in accordance with their own will, in accordance with their own wishes, in accordance with their own constitution; and in order that we may have this you must have the election laws of each State administered by the people that make these State constitutions and the State laws. And if the gentlemen call that demagogic, if you call that sophistry, then indeed you know nothing about how elections are conducted. No man will

tell me that the men who fought at the other end of this Capitol so vigorously were fighting for nothing; no man will tell me, when you shall vote down the amendment offered by the gentleman from Georgia [Mr. Bartlett], that there is not a purpose somewhere to defeat the election of Senators by direct vote of the people by the States, which will decline to surrender this power.

If that be the purpose, if that be the object, if that be the aim, then you gentlemen who submit this amendment to the people will be looked upon as being enemies of elections of the United States Senators by direct vote of the people. Let us not, in God's name, place this chalice to the lips of the people of the States and ask them to drink it to the dregs. I ask that the State of Maine, of New Hampshire, of Vermont, shall have the sovereign right to determine whom they shall send to the Senate. But you take from them that right when you tell them: "Although you may write your laws you have not the patriotism, you have not the interest, you have not the integrity to enforce them, but we will have the election held by a body that has nothing to do with the making of the laws, and shall have nothing to do with the selection of the officers who hold the election." What an anomaly!

Mr. Speaker, the people of the States should not adopt this amendment in its present form. To do so places all power in the Federal Government. It is not enough to say that the Federal Congress will not exercise its power. Every Member who has spoken on this question, save one or two have said that those of us who oppose the Bristow amendment are unnecessarily alarmed. They say that we are too easily frightened, and that this power will never be exercised, and that if they thought it would that they would be against this amendment. This is an admission that the Bristow amendment is unwise and dangerous. The surest way to prevent Federal control of elections of United States Senators is not to deprive the States of the power to control their own elections. When this amendment is submitted to the States they will be asked to surrender their power over the only branch of the Federal Government that they now control, and to place in the Congress of the United States the power to control the elections in the States. It is begging the question to say that Congress will never avail itself of that power. If it will never avail itself of that power it is because they ought not to have it.

Let us examine a moment and see what the amendment does. If adopted, Congress can appoint officers to take charge of the registration books of the States and determine who may or may not register under the State law. Congress can appoint officers to hold the elections, and allow those to vote whom these officers in their discretion should decide has the right to vote. These Federal officers of elections will count the votes and make certificates of election. Every Congressman and every Senator who holds a certificate of election will hold it at the hands of those Federal officers. If the State election should happen on the same day, under the State constitution, then the Federal officers could hold in their hands the election machinery and actually control our State elections.

I do not care who writes and makes the laws of a State if you will let me administer those laws. Gentlemen on the floor say that Congress can not fix the qualifications of voters. No; the State laws will do that. But who cares who makes the laws? It is a question of enforcement and administration. You leave the State the miserable privilege of writing her own statutes, but you degrade and humiliate her by depriving her of the right to have her own officers of her own elections to enforce these laws. You take away, or are, rather, asking each State to surrender her only shield and buckler. You would ask in this amendment that these States lie helpless and prostrate without a single weapon of defense against Federal encroachment. You say that Congress can now control, if it desires, the election of Congressmen, and that for that reason the States should now be stripped of all power of protection, and you would submit this amendment to them and ask them to throw themselves upon the mercy of Congress. Will they do it? Not if they understand the proposition.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. Sisson. Yes.

Mr. JACKSON. The gentleman does not believe it would be possible, and he does not advocate any change in the Constitution that would prevent the Senate from being the judge of the qualifications of its own Members, does he?

Mr. Sisson. Oh, no. I say this: I want the Senate to be the judge of its own election after the election is made and returned.



The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. Sisson. Mr. Speaker, I ask for five minutes more.

Mr. Bartlett. I yield five minutes more to the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. Sisson] is extended five minutes.

Mr. Jackson. Then the result would simply be that the Senate could keep out of its Chamber any man who was elected from any of those States, and there would not be any difficulty, would there, in denying the right of the State to representation at all in the Senate?

Mr. Sisson. I understand the gentleman's question, but the State would still have the sovereign right to send whom she pleased. But if this amendment were adopted her laws would be construed, we will say, by a Democratic majority, and the President of the United States, vested with authority to appoint these election officers, would construe the law of the States and would construe the qualifications of the electors of the States, and would determine who should and who should not vote, and you would thereby deprive the States of one of their sovereign prerogatives and powers which they now have.

Mr. Cannon. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. Sisson. I do.

Mr. Cannon. Suppose a State or States refused to send Senators. Would not the Senate exist by virtue of some other authority than itself, and therefore—

Mr. Sisson. Yes; and at the very beginning of the Government—and I am sure the gentleman is familiar with it—there was a fear expressed in the debates of the Constitutional Convention to the effect that Senators would not be sent to the Senate and that Members of the House would not be sent to the House by their districts, and therefore, when they were discussing this matter in the original Constitutional Convention, they made this compromise, that the Federal Government might protect and preserve itself. But they did not go to the extent that some of the members of that convention desired to go at that time—notably those who followed Mr. Hamilton—to give the absolute right to the Federal Government to control absolutely the election of all Federal officers, but they got this compromise. They worked up a compromise, and my recollection is that Mr. Franklin, who was one of the great compromisers, evolved this plan and it finally went through.

Now, if you change this method, you would have the anomalous condition of one body politic making the law and another body politic construing or enforcing the law. Now, it would be in times of political storm—it would only be when the stress was great—that a Federal election law could ever be passed. Then, as in war, thousands of things that would not be tolerated in time of peace would be tolerated, and the purpose of this Constitution is to protect people in their rights in time of stress and storm.

Mr. Hamlin. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Missouri?

Mr. Sisson. I do.

Mr. Hamlin. Does not the gentleman understand that the only effect of the adoption of this conference report, if it should become a part of the Constitution, would be in his own State to change the election of United States Senators from an election by the legislature to an election by the voters of the State?

Mr. Sisson. The gentleman knows little about the contention if he contends that, because, under the present Constitution, you can not reach the electorate by any act of Congress. You can not go back and lay violent hands on it. You can, so far as the House of Representatives is concerned. But a State, if it is denied the right to send Representatives to Congress, can still elect, under her own law and legislature, her Senators, and can send her Senators to the other end of the Capitol and there protect the State in its rights, and there become a check on the brutal majority of this House.

I recall how the people of the South prayed, when Mr. Lodge, of Massachusetts, introduced the force bill here, against its enactment. I recollect as a young man how we listened night and day at the telegraph office for news of the result. I recall how a Senator from my own State, who has passed away, Senator George, spoke for parts of three days against the bill; and I recollect how they telegraphed to Senator Stewart, and the wires were quivering and vibrating with the intelligence that Senator Stewart was on his way to the Capitol, although he left a sick bed at his home to come; and when Senator Stewart, under the influence of Gov. Foote's daughter—that good Mis-

issippi woman who nursed him in his sickness—and who hurried on a special train from the West to this city and that great Republican when he reached the Senate cast his vote against the force bill and killed the force bill; and I recollect the rejoicing all over the South.

And let me say to you that since we have had honest and fair elections in the South my own State has had millions of dollars of northern capital invested within its boundaries, millions of dollars have gone into Mississippi, millions of dollars have been spent for land, and millions of dollars have been invested in timber and land by people from Illinois and Ohio and Indiana and all the principal Northern States.

Mr. Mann. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. Sisson. I regret that I can not.

Mr. Mann. I will yield to the gentleman two minutes out of my time.

Mr. Sisson. With that understanding, I will yield to the gentleman.

Mr. Mann. The gentleman from Missouri has agreed to yield to me time, and I ask him to give to the gentleman from Mississippi [Mr. Sisson] two minutes out of the time promised to me.

Mr. Rucker of Missouri. Certainly; I will do that. Mr. Speaker, I yield two minutes to the gentleman from Mississippi.

Mr. Mann. The Lodge bill, to which the gentleman referred, related to the election of Members of the House of Representatives, did it not?

Mr. Sisson. Only to Members of the House of Representatives; yes.

Mr. Mann. And this resolution, as passed by the House, does not propose to change that part at all, does it?

Mr. Sisson. No, sir.

Mr. Mann. So that even if the resolution should pass in the form in which the gentleman advocates it, the Lodge bill, if reenacted, would still be constitutional.

Mr. Sisson. It would be constitutional.

Mr. Mann. So that all the argument the gentleman makes about the Lodge bill falls to the ground, because no one is offering to change the constitutional authority which was behind the Lodge bill.

Mr. Sisson. But the point in the Lodge bill was that at that time it was killed in the Senate; but if the same majority could have controlled the Senate that controlled this House, then the same will and the political exigency would have existed there that existed here, and the result would have been that it would have become a law.

Mr. Mann. That would not make any difference. It is the question of power that the gentleman is talking about.

Mr. Sisson. Now, in concluding these remarks I want to say that if this amendment becomes a law, in time of stress and storm the desire to pass a Federal election bill will be multiplied tenfold, because then you can control both branches of Congress, whereas if you can only control one branch the passage of such a law would be remote, because under the present Constitution you could not affect the Senate by a force bill.

Mr. Rucker of Missouri. Mr. Speaker, I yield five minutes to my colleague from Missouri [Mr. Hamlin].

Mr. Hamlin. Mr. Speaker, I do not know that I will occupy all the time which has been allotted to me, but I do want to make this observation: If there is any one thing that I think the people of the whole country, regardless of party, are demanding to-day, it is that United States Senators shall be elected by direct vote of the people. [Applause.] I think we can not be mistaken on that proposition.

This conference report is not as I would like to have it. I am sure it is not as the chairman of the committee in charge of this bill in the House would have liked to have had it, but I am sure that it is the very best that he could get. We can not shut our eyes to the fact that there is scarcely any legislation of a general nature that is not the result of a compromise, and I believe that the imagination of some gentlemen here, who pretend to see great evil to flow from this legislation, is not founded on real facts.

I yield to no man in this House in my admiration for the South. I was born there, and I lived there for several years of my life. My father was a Confederate soldier for four years, and lived in the South during the reconstruction period. I have heard him describe conditions there at that time, and have read of it, and naturally I have an abhorrence for the conditions that existed there at that time, but I am charitable enough to believe that every man on this floor, regardless of



politics, agrees with me that such a condition could not again exist in this country. The people of the North would not tolerate it. I do not believe there is any danger of a return to that condition of things in this country. [Applause.] I do not believe that Members upon this floor, however strenuously they protest, believe, deep down in their hearts, that such a condition will again exist in the South. It seems to me that the gentleman from Wisconsin [Mr. COOPER] hit the nail on the head a few moments ago when he asked the gentleman from Georgia [Mr. BARTLETT] if there was any interference now by the Federal Government in the election of Members of this House, or if he anticipated any interference, or felt that there might be any.

Mr. BARTLETT. If I may interrupt the gentleman, there is no interference now, because the law that authorized it was repealed in 1894.

Mr. HAMLIN. But the law that governs the election of Members to this House now will be the same law that will govern the election of United States Senators if this conference report is agreed to.

Then the gentleman from Wisconsin [Mr. COOPER] asked the gentleman from Georgia, if that be true, why does he anticipate that any interference would be had in the election of Members of the other branch of Congress.

Mr. BARTLETT. If a Democratic majority pass this sort of a bill, there is no telling what a Republican majority may do.

Mr. HAMLIN. It seems to me this is a tempest in a teapot. All the change the Senate made in the resolution as it passed this House is the striking out of this one provision:

That the times, places, and manner of holding elections for Senators shall be prescribed in the several States by the legislatures thereof.

Otherwise the law is left as it exists to-day. Now, it is up to us. Do we want to give the people a chance to amend the Constitution so as to permit them to elect the Senators by a direct vote?

We can not deny the fact that the Senate has emphatically refused to submit this constitutional amendment in any other form than that reported in this conference report, and it is up to us to say whether or not we are going to yield to the demands of the people of this country and give the States an opportunity to adopt this amendment, if they want to adopt it, or refuse to agree to this conference report and thereby defeat the whole proposition. I am in favor of adopting this conference report. [Applause.]

Mr. FAISON. If the gentleman from Missouri is so much in favor of this resolution now, why did he go on record against it repeatedly in the last Congress?

Mr. HAMLIN. The gentleman certainly was not listening to the first part of my remarks, or he would know that I said I very much preferred the resolution as we passed it in the House, not so much on account of the difference in the provisions as that it left it absolutely clear, so that there could be no question about the right of the States to control these elections. I believe the States ought to have that right. I believe they will have the right under this amendment in case it is adopted, but if we could have gotten it through as we passed it in the House, then there could have been no question about it.

Mr. FAISON. Will the gentleman yield again?

Mr. HAMLIN. Yes.

Mr. FAISON. The gentleman well knows that the law is not a question of what he believes it is, but it is a question of what the law is. If the gentleman prefers to have it stay in—

Mr. HAMLIN. I understand the gentleman's question. It is more to satisfy just such friends as the gentleman from North Carolina is that I would like to have it as the House passed it, so that he could sleep well at night and not be uneasy.

Mr. FAISON. You admit that you much prefer this?

Mr. HAMLIN. I say I would prefer to have it pass just as we passed it in the House, so there would be no doubt about what it meant; but I do not share with the gentleman the fear that, in case this proposed amendment should become a part of the Constitution, there would be any interference by the Federal Government in the election of United States Senators. I want to say, so far as the South is concerned, and I say it to the everlasting credit of the South, that in the last few years the scandals that have arisen over the election of Members of the United States Senate have not originated in the Southern States, but have originated in the States of the North, which are not afraid of this resolution in its present form. [Applause.]

Mr. COLLIER. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. COLLIER. The gentleman says that he is really in earnest in his desire to see Senators elected by direct vote of the people?

Mr. HAMLIN. I am.

Mr. COLLIER. Does not the gentleman know that this amendment was put on the bill for the absolute purpose of defeating the election of Senators by popular vote?

Mr. HAMLIN. I do not know that that was the purpose of the amendment, and I would hesitate to impugn the motives of the Senator who offered it. But if it was his purpose, it is in our power to fool him, and I hope that we will do so. I know very well if we fail to agree to this conference report that there will be no constitutional amendment providing for the election of United States Senators by direct vote of the people for years to come.

I am hoping that the good people of the Southern States will see that it is for their interest and the interest of the whole country—and they are patriotic—that this proposed amendment is written into the Constitution of the United States. When we do that the other body will be very much more responsive to the will and desires of the people than it is now.

Now, I hold no brief in defense of my colleague from Missouri, Judge RUCKER. He needs no defense; he is amply able to take care of himself. But I want to say, however, that I know from all that he has said on this floor and in private conversation that his desire and earnest wish has been to have the Senate agree to the resolution as it was passed by this House; this he was unable to accomplish, and he feels it his duty, and I think he is right, to the great body of the people in this country, who are the real authority—we are only the agents here to represent them—he believes that it is his duty to report here a resolution to be submitted to the States of the Union and give them the opportunity to amend the Constitution if they wish; and therefore he has made the motion that this conference report be agreed to.

You may criticize my colleague about changing his position upon this question, but we who know him know that he is only anxious to respond to the earnest desire of the people of the country for this reform, and when he can not get just what he wants he has the courage to take the best that he can get, and then take the people into his confidence and tell them that he did the best he could for them. We who know him do not doubt his good intentions, and the people of Missouri have confidence in him, and the people of this country will applaud him for what he has done. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, it is going to be determined to-day by this House whether a great reform long demanded by the American people is to be granted or not. The responsibility is not going to rest on the Senate. If it shall fail it will rest on this House. If it shall fail because of a lack of two-thirds vote the responsibility will not rest upon this side of the aisle to-day, but upon the other side of the aisle. I know that there are Members upon that side who propose to vote against the concurrence in the Senate amendment who believe that they can say to the American people that the Senate is to blame for the failure of this great reform. But, Mr. Speaker, it will not lie in the mouth of any Democratic Member to make such a charge, for the very purpose of this amendment—the reason for it—is that there is a conviction upon the part of the American people that the Senate does not represent the American people as it should, and you will not be able to go before the people and say “these men who are misrepresenting the American people are to blame because this resolution was not adopted.”

There has been a great deal of debate upon the merits of this proposition, but I am not going to take any time upon it now. I do want to insert in the Record a short paragraph from the report of the constitutional convention which I have not heretofore seen used, and it is interesting. I quote from Madison's papers, page 813:

Mr. Dickinson moved that Senators be chosen by the legislature. He said, as a reason, he wished the Senate to consist of men most distinguished for their rank in life and their weight of property and bearing as strong a likeness to the membership of the House of Lords as possible, and he thought such characters more likely to be selected by the State legislatures than in any other mode.

Mr. Speaker, there were prophets in those days. It will not do for anyone who votes to defeat this resolution to-day to say that this kind of men are to blame for the failure of it and not this House.

Now, Mr. Speaker, I have listened with great interest to the remarks of the gentleman from Georgia [Mr. BARTLETT] and those of the gentleman from Mississippi [Mr. Sisson], and to hear these gentlemen, Mr. Speaker, one wonders whether in their minds the war is over or not. Why, Mr. Speaker, whenever anything like the statements that have been made here to-day are made in this House by Members on this side, they



have been deprecated on that side of the House. Only the other day the gentleman from Wisconsin [Mr. COOPER] quoted from a speech by Mr. Garfield, where reference was made to the late war, and he was immediately criticized on that side of the House. Mr. Speaker, who is raising the question of sectionalism now with reference to this resolution? If this resolution should be finally adopted, as you gentlemen want it adopted, that matter of sectionalism will become more or less of an issue in every State of the Union, and you men from the South will be responsible for it.

There is no such thing as sectionalism now. We have a united North and South, and I want to see it remain that way, and that is why I want to remove this question of sectionalism from this question and favor the motion of the gentleman from Missouri. [Applause.]

Mr. ADAMSON. Mr. Speaker, I regret to observe that distinguished gentlemen who on other subjects and other occasions exhibit considerable acumen appear at this time to be utterly unable or entirely unwilling to differentiate between the limited difficulty and danger of Federal interference with elections by State legislatures on the one hand, and the much dreaded and much more easy and infinitely more dangerous intermeddling with popular elections held in the States. That is the essential difference which appears to me plain enough for anybody to see between the two propositions before the House. I am perfectly satisfied with the existing provision of the Constitution as operating and intended to operate on elections by the legislature, but a radical change is proposed, which introduces new methods and invites new dangers. It is proposed that the Senators shall be chosen by direct vote of the people of the States, not of their own volition but by constitutional mandate. Those States which really desire the election of Senators by the people have provided for it by primary elections. Others, if they should come to desire it, could adopt the same method; but it is insisted that all States can not or will not do it, therefore it is necessary to change the plan through an amendment to the Constitution and compel all States to select Senators by popular election. We are willing to have that and have voted for it. The only condition we placed upon it was the fair and reasonable provision that the States should determine the time, place, and manner of election. The reasons for it were manifest in this House, which passed the measure with that qualification by an overwhelming majority. It is strange to me that the leaders in charge, who are now beating a retreat, should have persisted in that course if it was erroneous, thereby delaying action for a whole year. They say we were right and still protest that they desire the resolution in the form originally adopted by this House, but they say we are whipped, that we can not carry it our way, and that therefore we ought to surrender and vote with our opponents to put the wrong upon us. That is not my theory of waging war, practicing law, or practicing statesmanship. If wrong finally prevails over me I will probably submit after the die is cast, but I will never consent and contribute to my own destruction by voting with the other side to run over and demolish me. That would be a species of self-destruction bordering on suicide, of which I will never be guilty.

The Federal Government will never have constitutional authority to intermeddle with popular election of Senators in the States until the amendment is adopted. If we vote it down we may secure one in proper form, as we first adopted it. It is very poor tactics to dally along with the Senate and give them to understand, either expressly or tacitly, that if they do not yield we will. It is the fault of the Senate, aided by the vacillating weakness of our own leaders, if this resolution goes through in its amended form, which, in my judgment, will be infinitely worse than defeating the amendment. If we would defeat the resolution of the gentleman from Missouri and let the Senate know we mean it, the Senate will either recede and pass the unamended resolution now or leave the matter open, so that action can be secured in the future. I for one will not vote to foreclose the matter and pass thereby down to the States a resolution which, in its amended form, is a stultification of ourselves, an insult to American intelligence, a departure from American principles, and a dangerous experiment, fraught with possible calamity to our country and its institutions, nor are my apprehensions confined to my own section. The failure of reconstruction, the assertion of our manhood, and the survival of our civilization to illustrate Americanism in this country and ultimately dominate its statesmanship and civilization demonstrate the inability of Federal interference to hurt us. But there are States in this Union in which the character of the population and conditions in their large cities bid us sit up and take notice. They are now represented by men committing the fatal error of voting to bring upon them the evils which we seek

to avert. I shall vote for the Bartlett resolution. Failing in that, I shall vote against the resolution of the gentleman from Missouri, leaving the field open for wiser and better action in the future, when wiser and better counsels prevail in both Houses. I fear that too much politics at this time imperils our safety.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DICKINSON].

[Mr. DICKINSON addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. HAMILTON].

[Mr. HAMILTON of West Virginia addressed the House. See Appendix.]

Mr. MONDELL. Mr. Speaker, my good friend the gentleman from Georgia [Mr. BARTLETT] and I generally find ourselves in agreement on questions touching the relative powers, jurisdiction, and sovereignty of the States and the Federal Government, but in the matter now before us I am unable to admit the soundness of his premises to follow his logic or agree with his conclusions.

The gentleman from Georgia prides himself on the jealous care with which he would guard the sovereignty of the people within the States. In that attitude I commend him and generally agree with him. But the difference between the gentleman from Georgia and myself seems to be that while I insist upon the maintenance of the division of authority, power, and responsibility established by the Constitution, and would maintain it as established, the gentleman from Georgia appears to be insistent that the balance established by the Constitution shall be modified and changed in the direction of enlarging the power and authority of the State and in the same degree curtailing the jurisdiction of the Federal Government.

The gentleman from Georgia may be able to persuade himself that this proposed amendment to the Constitution in the form before us would extend and enlarge the powers of the Federal Government, but I do not believe that he will be able to persuade any considerable number of people that such is the case. What the proposed amendment would accomplish, to wit, the election of Senators by popular vote, the people generally desire; and this is the only change in the Constitution, direct or indirect, which the measure as presented by the conferees would accomplish.

As modified by the amendment proposed by the gentleman from Georgia, this amendment to the Constitution, if adopted, would indeed give the people an opportunity to elect their Senators directly; but it would at the same time take from the Federal Government the authority it now has with respect to the election of Senators. Where my friend from Georgia and I part company, therefore, is at the point where he proposes to curtail the jurisdiction of the Federal Government. The Constitution as it stands, as the fathers drafted it, is in this respect good enough for me. The balance of power between the States and the Federal Government, as the fathers fixed it, is satisfactory to me; but the gentleman from Georgia, who in one breath talks eloquently of keeping the faith, in the very next breath would deny the faith by breaking the terms of the compact.

This is a very simple matter; the people throughout the country have expressed a desire to elect their Senators by direct popular vote. So strong is the sentiment in favor of such a plan that many States have sought to accomplish indirectly what could not be accomplished directly without a change in the Federal Constitution. In response to the demand, voiced from all portions of the country, Congress addressed itself to the consideration of an amendment which, if adopted, will give the people just what they seem to desire in this matter. No disturbance of the balance of sovereignty and jurisdiction between the States and the Federal Government is involved, or would have been thought of, except that certain gentlemen, who seem anxious to disturb and readjust the relations which the Constitution established between the Nation and the States, seem to feel that this was an opportune time to accomplish it; but, fortunately for the country, there is sufficient patriotism on both sides of the aisle to override a view which would deny the people the right to elect Senators by direct vote unless a further provision, which no considerable number of our people have ever demanded, should be agreed to.

Gentlemen will not succeed in their efforts to rehabilitate the thin and faded ghost of Federal interference with local election in connection with this matter. The people will not be deceived; they desire an opportunity to elect their Senators by direct vote, and their demand that they be given this opportunity has nowhere been coupled with a demand that at the



same time the constitutional balance between the States and the Nation shall be disturbed. In my opinion, an attempt to deny the people that which they insist upon in connection with the election of Senators, on any such flimsy pretense, will be no more successful in Georgia or in Texas than in Wyoming or Massachusetts.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I am heartily in favor of the general proposition. The evolution of political institutions requires that the Government should gradually come more and more to the people and come more and more under their direct control. That evolution has gone on in this country for over 100 years without any provision having been made in our organic law to meet it. It is my judgment that the time has come not only to put the second House of our legislative branch under the control of the people, but to put the executive branch, which is now two degrees removed, into the direct control of the hands of our people.

But I will not discuss that phase of the question. I am in favor of taking action now that will insure the submission of this amendment. [Applause.] The part of the amendment that provides for the qualifications of electors for Senators guarantees the complete control of the electors in each State by the State itself. [Applause.] That part of the bill is fundamental and protects the States against danger of Federal interference. The power of Congress to control the time, place, and manner of election is really only an incidental matter in comparison with the control of the qualifications of electors. I was in favor, and still am in favor, of the amendment in the form in which it was reported by the House, and I wish it could have been adopted in that form, but I do not believe that a question that is not fundamental should be allowed to endanger the ultimate passage of the measure. I want to say to my friends on this side of the House who are worried over the Bristow amendment that I feel deeply in this matter, and am in sympathy with them on the broad proposition of protecting the States in their rights, but I do not have any misgivings about the Federal Government of the United States imposing upon any section of the United States. [Applause.] I do not believe it will enter the heart of one American citizen in 10,000 to employ Federal troops, or any other form of coercion, upon any section in the United States. [Applause.] The Federal Government is nothing but an instrument of all the States, and the Southern States themselves make up a considerable part of the number of all the States.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HOBSON. Certainly.

Mr. BARTLETT. Is not the gentleman aware that the advocates of this particular amendment in the Senate stated that the purpose of the amendment was that the Congress should have the power to control the election laws of States such as the State of Alabama, that provided a grandfather clause in its election laws?

Mr. HOBSON. I will say to the gentleman that fortunately the wishes of such men did not ultimately prevail even in reconstruction days, and certainly could not prevail now. [Applause.]

Mr. BARTLETT. I will say to the gentleman, because Alabama, like Georgia and Mississippi, asserted her right to supremacy under the law and above the law.

Mr. HOBSON. I have confidence in all the American people to abide by the Constitution, and when this amendment, insuring to each State the right of imposing the qualifications of the electors, becomes a part of that organic law, no matter what might be the desires of individual Members of the other branch or of this branch for that matter, to the contrary, it would be physically impossible for the Federal Government—

Mr. BARTLETT. May I ask the gentleman a question?

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. I yield to the gentleman from Alabama one minute, in order to answer a question.

The SPEAKER. The gentleman from Georgia yields to the gentleman one minute—

Mr. RUCKER of Missouri. I yield to the gentleman from Alabama five minutes additional.

The SPEAKER. The gentleman from Alabama has six minutes.

Mr. BARTLETT. All right; I will yield him the minute; I will stand by what I said. Now, does not the gentleman know that the author of this particular amendment in the Senate, Senator Bristow, has stated that the purpose of the bill was

to control the election of Senators in Congress, and he thought it did give the power to use the Federal Army and United States marshals at the polls?

Mr. HOBSON. I will answer the gentleman, and say that I am not acquainted with the personal wishes of Senator Bristow, whom the gentleman quoted, but I have been reliably informed by those in a position to know that the original purpose in refusing to accept the amendment on grounds held by the gentleman himself was to defeat the bill.

Mr. BARTLETT. Do you think Senator Bristow desired to defeat the bill?

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. BARTLETT. I beg the Chair's pardon, Mr. Speaker.

Mr. HOBSON. I will very gladly yield, and I will let the gentleman assume that I yield at any time, Mr. Speaker, so the gentleman can proceed without loss of time.

Mr. BARTLETT. I apologize to the Chair.

The SPEAKER. No apology is necessary.

Mr. BARTLETT. Does the gentleman believe that Senator Bristow offered this amendment for the purpose of defeating the election of United States Senators by the people?

Mr. HOBSON. On the contrary, I feel that Senator Bristow offered it in all good faith. [Applause.] But I have not the same confidence in the purposes of those who brought up the sectional matter [applause], with regard to the ultimate—

Mr. BARTLETT. May I interrupt the gentleman?

Mr. HOBSON. Certainly.

Mr. BARTLETT. The gentleman's information as to what the views and purposes of those who offered this matter are a matter of entire indifference to me; but the gentleman ought to know—or does he know—that Senator Bristow once, like the gentleman from Alabama, voted against this particular amendment.

Mr. HOBSON. I do not know what Senator Bristow's position is. I know that to-day, if there were a chance of having the amendment in the form in which it came from our committee, in which it passed the House, if there were any chance of having it in that form, and the price was voting against it in its present form, I would vote against it again in its present form. I prefer the form in which our committee reported it and which the House accepted, but that is not the real question now.

It is clearly a question of whether we will have it as it comes to us now or not have it at all. [Applause.] The gentleman refers to the power of the Federal Government to send troops, marshals, and others. That power will not be enhanced one jot or one tittle more than it exists to-day with regard to elections for Members of this House. I am not in favor of having the Government exercise such power. I do not even like the thought of the Government holding the power of imposing Federal restrictions of any kind upon the election machinery or upon the local institutions of the States, but holding this power is nothing new. The power has existed since this Government began in just as complete a form as it would exist when this amendment is adopted. In my judgment, the very surest way to prevent the exercise of such power is to accept the Senate amendment and place the Senate in the hands of the people. Then a generation would not elapse, as it has in this case, in getting the Senate to submit a legitimate reform demanded by the people. Then we might get an amendment that would take this power from the hands of the Government in respect to both Houses of Congress.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HOBSON. Certainly.

Mr. COOPER. I agree with the gentleman that there is not the remotest probability of Federal interference in elections. The time for that has long passed. But I do object to the statement so frequently indulged in here that the election of a United States Senator—and the gentleman himself intimated it—is an affair of a State alone. The title of a Senator is "Senator of the United States," from a State. A vote of a Senator from Alabama is as potent in my district in Wisconsin as is the vote of one of the Senators from the State of Wisconsin, and—

The SPEAKER. The time of the gentleman has again expired.

Mr. COOPER. I ask that the gentleman have two minutes more.

The SPEAKER. The Chair has no control over the time.

Mr. RUCKER of Missouri. I yield the gentleman two minutes additional.

The SPEAKER. The gentleman from Missouri yields the gentleman from Alabama two minutes more.

Mr. HOBSON. Mr. Speaker, it is largely to answer the gentleman from Wisconsin that I accept this much indulgence. I



want to say to the gentleman from Wisconsin in connection with my statement that, while I possess complete confidence in the United States, of which my State is a part, I believe the integrity, the prosperity, and the perpetuity of the United States depend more upon safeguarding the principle of local self-government in the individual States than upon any other principle of government. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman from Missouri has used 44 minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Kansas [Mr. TAGGART] five minutes.

Mr. TAGGART. Mr. Speaker, this measure, prescribed in a disagreeable form, has been offered to this House as an amendment in the full faith and belief that it will not be adopted. It has been offered to the House as a disagreeable proposition. The election of United States Senators has been advocated by both parties in nearly every State in this Union. It has been voted in the Senate, and it has been voted in the House. We are all for it, and yet there is attached to it a sort of supervisory control by the United States Government that was deliberately intended to make it obnoxious to this House.

The gentleman from Georgia [Mr. BARTLETT] has offered an amendment which will relieve it of that obnoxious feature. I will vote for that amendment; and should that amendment fail, I will vote for the Senate proposition of election of United States Senators by direct vote of the people.

Do you realize that the United States now has power to superintend the election of each one of us? That power was put into the Constitution by the framers of it. That power was exercised during what was called "reconstruction days," but in 1894 every statute having reference to the election of Members of Congress was deliberately abolished by both Houses of Congress.

And as a part of my remarks I now wish to call attention and ask leave to have incorporated in the RECORD the act of February 8, 1894, entitled:

An act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

A comprehensive series of statutes was repealed by that act, and there now remains no act on the statute books of the United States regulating the election of Members of this House except the act that was passed a year ago requiring each of us to give an account of moneys expended in candidacies for nomination and election.

The following is the act of February 8, 1894, referred to:

An act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

[Act of Feb. 8, 1894, ch. 25, 28 Stat. L., 36.]

[SEC. 1.] [Election laws repealed—Election supervisors and special deputies abolished]: That the following sections and parts of sections of the Revised Statutes of the United States be, and the same are hereby, repealed: That is to say, of title "Elective franchise," sections 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, relating to the appointment, qualification, power, duties, and compensation of supervisors of election; and also sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, of same title, relating to the appointment, qualification, power, duties, and compensation of special deputies; and also of title "Crimes," sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, 5523, but the repeal of the sections hereinbefore mentioned shall not operate so as to affect any prosecutions now pending, if any, for a violation of any of the provisions of said sections; and also part of section 643, as follows: "Or is commenced against any officer of the United States or other person on account of any act done under the provisions of title 26, 'The elective franchise,' or on account of any right, title, or authority claimed by any officer or other person under any of said provisions." (28 Stat. L., 36.)

Revised Statutes, section 643, above referred to, relates to the removal of causes from State to Federal courts against United States officers acting under color of office. See Judiciary.

The sections of the Revised Statutes repealed by the above section are set out in the notes following section 3 of this act.

SEC. 2. [General repeal]: That all other statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be, and the same are hereby, repealed. (28 Stat. L., 37.)

SEC. 3. [When act takes effect]: That this act shall take effect from and after its passage. (28 Stat. L., 37.)

Election supervisors and special deputy marshals abolished—Repealed sections of Revised Statutes.—The following are the sections of the Revised Statutes repealed by this act:

"SEC. 2002. No military or naval officer or other person engaged in the civil, military, or naval service of the United States shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls." (Act of Feb. 25, 1865, ch. 52, 13 Stat. L., 437.)

"SEC. 2005. When, under the authority of the constitution or laws of any State or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite and to become qualified to vote." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of \$500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2007. Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done, shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote and being otherwise qualified shall be entitled to vote in the same manner and to the same extent as if he had, in fact, performed such act." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, account, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of \$500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this title, who by threats or any unlawful means hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of \$500 to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141; act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except elector of President or Vice President, Representative or Delegate in Congress, or member of a State legislature, by reason of the denial to any citizen who may offer to vote of the right to vote on account of race, color, or previous condition of servitude, his right to hold and enjoy such office and the emoluments thereof shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof, so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured herein." (Act of May 31, 1870, ch. 114, 16 Stat. L., 146.)

"SEC. 2011. Whenever, in any city or town having upward of 20,000 inhabitants, there are 2 citizens thereof, or whenever, in any county or parish, in any congressional district, there are 10 citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than 10 days prior to the registration, if one there be, or, if no registration be required, within not less than 10 days prior to the election, shall open the circuit court at the most convenient point in the circuit." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2013. The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this title." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)



"SEC. 2016. The supervisors of election so appointed are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territorial, or municipal law, and to personally inspect any [and] scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll books, registry lists, and tallies or check books, whether the same are required by any law of the United States, or any State, Territorial, or municipal law, are kept." (Act of Feb. 8, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, Territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes they are required to place themselves in such position, in relation to the ballot boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 435.)

"SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within 10 days after the day of election to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpoena and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 435.)

"SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration

and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registration or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the 1st day of May, in the year 1871, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of elections; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of 10 citizens, as provided in section 2011, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2030. Nothing in this title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the 10th day of June, 1872." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, 10 cents; for affixing a seal to any paper, record, report, or instrument, 20 cents; for entering and indexing the records of his office, 15 cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, 15 cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of \$5 per day for each day he is actually on duty, not exceeding 10 days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of 20,000 or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 438; act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to



hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than \$500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141.)

"Sec. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempts to do so, he shall be punished by a fine of not more than \$500, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141.)

"Sec. 5512. If, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

"Sec. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433.)

"Sec. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, Territorial, municipal, or local officers, it shall be deemed sufficient prima facie evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offenses denounced in this chapter with reference to such ticket or ballot." (Act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

"Sec. 5515. Every officer of an election at which any Representative or Delegates in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section 5511." (Act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

This section was amended by the act of February 18, 1875, chapter 80, Eighteenth Statutes at Large, page 320, by changing the last word from "ten" to "eleven," as above given.

"Sec. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of the Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, each of

such persons shall be punished by a fine of not less than five hundred nor more than \$5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment." (Act of Apr. 20, 1871, ch. 22, 17 Stat. L., 13.)

"Sec. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title 'The elective franchise,' and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than \$200 and not more than \$500, or by both fine and imprisonment, and shall pay the costs of prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"Sec. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years or by a fine of not more than \$3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"Sec. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of title 'The elective franchise,' refuses to answer, or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than 30 days, or by a fine of not more than \$100, or by both, and shall pay the costs of the prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

I believe in the common sense of the American people. I do not believe that the apprehensions of the gentleman from Georgia [Mr. BARTLETT] are justified. I do not believe—

The SPEAKER. The time of the gentleman from Kansas [Mr. TAGGART] has expired.

Mr. TAGGART. Mr. Speaker, I ask for two minutes more.

Mr. RUCKER of Missouri. Mr. Speaker, how much time has the gentleman used?

The SPEAKER. Five minutes.

Mr. RUCKER of Missouri. I will yield to the gentleman two minutes more.

Mr. TAGGART. In the brief time allowed to me, I want to call attention to section 4 of the Constitution, as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. (Const., I, 4.)

Each House shall be the judge of the elections, returns, and qualifications of its own Members. (Const., I, 5.)

And in conclusion I wish especially to call attention to chapter 13 of the Autobiography of Senator Hoar, in which that late distinguished and beloved Senator called attention to an act that was proposed to regulate elections in the United States and what became of it.

#### CHAPTER 13.

##### THE FEDERAL ELECTIONS BILL.

In December, 1889, the Republican Party succeeded to the legislative power in the country for the first time in 16 years. Since 1873 there had been a Democratic President for four years, and a Democratic House or Senate or both for the rest of the time. There was a general belief on the part of the Republicans that the House of Representatives, as constituted for 14 years of that time, and that the Presidency itself when occupied by Mr. Cleveland, represented nothing but usurpation, by which, in large districts of the country, the will of the people had been defeated. There were some faint denials at the time when these claims were made in either House of Congress as to elections in the Southern States. But nobody seems to deny now that the charges were true. Mr. Senator TILLMAN, of South Carolina, stated in my hearing in the Senate:

"We took the Government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a constitutional convention, and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

"I want to call your attention to the remarkable change that has come over the spirit of the dream of the Republicans; to remind you, gentlemen of the North, that your slogans of the past—brotherhood of man and fatherhood of God—have gone glimmering down the ages. The brotherhood of man exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, and we shoot them in South Carolina, when they come in competition with us in the matter of elections. You do not love them any better than



we do. You used to pretend that you did; but you no longer pretend it, except to get their votes.

"You deal with the Filipinos just as you deal with the negroes, only you treat them a heap worse."

No Democrat rose to deny his statement, and, so far as I know, no Democratic paper contradicted it. The Republicans, who had elected President Harrison and a Republican House in 1888, were agreed, with very few exceptions, as to the duty of providing a remedy for this great wrong. Their presidential convention, held at Chicago in 1888, passed a resolution demanding, "effective legislation to secure integrity and purity of elections, which are the fountains of all public authority," and charged that the "present administration and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and the laws of the United States."

In the Senate at the winter session of 1888 and at the beginning of the December session of 1889, a good many bills were introduced for the security of national elections. Similar bills were introduced in the House. A special committee was appointed there to deal with that subject. I had, myself, no doubt of the constitutional authority of Congress, and of its duty, if it were able, to pass an effective law for that purpose.

I was the chairman of the Committee on Privileges and Elections, and it was my duty to give special attention to that subject. I had carefully prepared a bill in the vacation, based on one introduced by Mr. Sherman, providing for holding, under national authority, separate registrations and elections for Members of Congress. But when I got to Washington, I found, on consultation with every Republican Senator except one, that a large majority were averse to an arrangement which would double the cost of elections throughout the country, and which, in States where personal registration every year is required, would demand from every citizen his presence at the place of polling or registration four times every alternate year. That is, in the years when there were Congressmen to be elected he must go twice to be registered—once for the State election, and once for the congressional—and twice to vote. So I drew another bill. I say I drew it. But I had the great advantage of consultation with Senator Spooner of Wisconsin, a very able lawyer who had lately come to the Senate, and I can hardly say that the bill, as it was finally drafted, was more mine or his. This bill provided, in substance, that there should be national officers of both parties who should be present at the registration and election of Members of Congress, and at the count of the vote, and who should know and report everything which should happen, so that all facts affecting the honesty of the election and the return might be before the House of Representatives. To this were added some sections providing for the punishment of bribery, fraud, and misconduct of election officers.

In the meantime the House of Representatives had appointed a special committee charged with a similar duty. Members of that committee saw me and insisted, with a good deal of reason, that a measure which concerned the election of Members of the House of Representatives should originate in that body. Accordingly the Senate committee held back its bill and awaited the action of the House, which sent a bill to the Senate, July 15, 1890. The House bill dealt not only with the matter of election, but also with the selection of juries, and some other important kindred subjects. Our committee struck out from it everything that did not bear directly on elections; mitigated the severity of the penalties, and reduced the bulk of the bill very considerably. The measure was reported in a new draft by way of substitute. It remained before the Senate until the beginning of the next session, when it was taken up for action. It was a very simple measure.

It only extended the law which, with the approbation of both parties, had been in force in cities of more than 20,000 inhabitants, to congressional districts, when there should be an application to the court, setting forth the necessity for its protection. That law had received the commendation of many leading Democrats, including S. S. Cox, Secretary Whitney, the four Democratic Congressmen who represented Brooklyn, and Gen. Slocum, then Representative at large from the State of New York. It had been put in force on the application of Democrats quite as often as on that of Republicans. We added to our bill a provision that in case of a dispute concerning an election certificate, the circuit court of the United States in which the district was situated should hear the case and should award a certificate entitling the Members to be placed on the clerk's roll, and to hold his seat until the House itself should act on the case. That provision was copied from the English law of 1868, which has given absolute public satisfaction there. This was the famous force bill, and the whole of it—a provision that, if a sufficient petition were made to the court for that purpose, officers appointed by the court, belonging to both parties should be present and watch the election; that the judge of the circuit court should determine, in case of dispute, what name should be put on the roll of the House of Representatives, in the beginning, subject to the constitutional power of the House to correct it, and that a moderate punishment for bribery, intimidation, and fraud, on indictment and conviction by a jury of the vicinage, should be imposed. That was the whole of it.

But the southern Democratic leaders with great adroitness proceeded to repeat the process known as "firing the southern heart." They persuaded their people that there was an attempt to control elections by national authority. They realized that the waning power of their party at the South—many of whose business men saw that the path of prosperity for the South as well as for the North lay in the adoption of Republican policies—might be reestablished by exciting the fear of negro domination. The northern Democrats, either very ignorantly or willfully, united in the outcry. Gov. William E. Russell, of Massachusetts, a gentleman of large influence and popularity with both parties, telegraphed to President Cleveland a pious thanksgiving for the defeat of this "wicked bill."

Some worthy Republican Senators became alarmed. They thought, with a good deal of reason, that it was better to allow existing evils and conditions to be cured by time and the returning conscience and good sense of the people rather than have the strife, the result of which must be quite doubtful, which the enactment and enforcement of this law, however moderate and just, would inevitably create.

On reflection I came myself to the conclusion that while the bill was reasonable and there was no reasonable doubt of the power of Congress to enact it, yet the attempt to pass it if it were to fail would do the cause infinite mischief. It would be an exhibition of impotence, always injurious to a political party. It would drive back into the Democratic Party many men who were afraid of negro domination, who looked with great dislike on the assertion of national power over elections, and whom other considerations would induce to act with the Republicans. So I thought it was best to ascertain care-

fully the prevailing opinion and see if we were likely to get the bill through, and if we found that unlikely not to proceed far enough to have a debate in either House.

Accordingly I visited the House of Representatives, saw several of my Massachusetts colleagues and some other leaders. They agreed that if I found that the bill could not in all probability pass the Senate it should be arranged to lay it aside in the House without making any serious movement for it there. After that arrangement was made there was a Senate caucus. I brought up the matter and moved the appointment of a committee to consider the whole question of legislation with reference to the security of elections. A gentleman who had recently become a Member of the Senate rose and quite angrily objected to taking up the matter for consideration. He declared that he would not consent to have the subject introduced in a Republican caucus. The proceedings of such caucuses are supposed to be kept from the public. But they are pretty sure to leak out. I could not very well get up and say that my reason for asking for a committee was to see whether the law should be suppressed or not. So I did not urge my motion. But I did the best I could.

Before reporting the bill I saw every Republican Senator and obtained his opinion upon it. I have in my possession the original memoranda of the various answers. Not only a majority of the Republican Senators, but a majority of the whole Senate declared emphatically for an election bill. I further consulted them whether the authority, in case of a disputed election, to order, upon hearing, the name of the person found to be elected to be placed on the roll should be lodged in the United States courts or in some special tribunal. Two or three preferred that the court should not be invoked. But a majority of the whole Senate favored vesting the power in the courts, and those who preferred another way stated that they were willing to abide by the judgment of the committee.

When the House bill came up it was, on the 7th of August, 1890, reported favorably with my bill as a substitute. Meantime the McKinley tariff bill, which Mr. Cleveland had made, so far as he could, the sole issue in the late election, had been matured and reported. It affected all the business interests of the country. They were in a state of uncertainty and alarm. Mr. Quay, of Pennsylvania, proposed a resolution to the effect that certain enumerated measures, not including the election bill, should be considered at that session, and that all others should be postponed. That, I suppose, would have had the entire Democratic support and Republicans enough to give it a majority. It would have postponed the election bill without giving any assurance of its consideration at the short session. So a conference of Republicans was held at which an agreement was made, which I drew up, and signed by a majority of the entire Senate. It entitled the friends of the election bill to be assured that it would be brought to a vote and passed at the short session, if there were then a majority in its favor. This is the agreement, of which I have the original, with the original signatures annexed, in my possession:

"We will vote: 1. To take up for consideration on the first day of the next session the Federal election bill, and to keep it before the Senate to the exclusion of other legislative business, until it shall be disposed of by a vote. 2. To make such provision as to the time and manner of taking the vote as shall be decided, by a majority of the Republican Senators, to be necessary in order to secure such vote, either by a general rule like that proposed by Mr. Hoar, and now pending before the Committee on Rules, or by special rule of the same purport, applicable only to the election bill."

At the next December session the bill was taken up for consideration and, after a few days' debate, there was a motion to lay it aside. Since the measure had been first introduced, the sentiment in certain parts of the country in favor of the free coinage of silver had been strengthened. Several of the Republican Senators were among its most zealous advocates. There was a motion to lay aside the election bill, which was adopted by a bare majority, the Democrats voting for it and several of the silver Republican Senators, so-called. All but one of these had signed their names to the promise I have printed. I never have known by what process of reasoning they reconciled their action with their word. But I know that in heated political strife men of honor, even men of ability, sometimes deceive themselves by a casuistic reasoning which would not convince them at other times.

The election bill deeply excited the whole country. Its supporters were denounced by the Democratic papers everywhere. North and South, with a bitterness which I hardly knew before that the English language was capable of expressing. My mail was crowded with letters, many of them anonymous, the rest generally quite as anonymous, even if the writer's name were signed, denouncing me with all the vigor and all the scurrility of which the writers were capable. I think this is the last great outbreak of anger which has spread throughout the American people.

I got, however, a good deal of consolation from the staunch friendship and support of the Republicans of Massachusetts, which never failed me during the very height of this storm. Whittier sent me a volume of poetry which he had just published, with the inscription written on the blank leaf in his own hand, "To George F. Hoar, with the love of his old friend, John G. Whittier." I think I would have gone through ten times as much obloquy as I had to encounter for those few words.

There has never since been an attempt to protect national elections by national authority. The last vestige of the national statute for securing purity of elections was repealed in President Cleveland's second administration, under the lead of Senator Hill, of New York. I have reflected very carefully as to my duty in that matter. I am clearly of the opinion that Congress has power to regulate the matter of elections of Members of the House of Representatives and to make suitable provisions for honest elections and an honest ascertainment of the result, and that such legislation ought to be enacted and kept on the statute book and enforced. But such legislation, to be of any value whatever, must be permanent. If it only be maintained in force while one political party is in power and repealed when its antagonist comes in, and is to be a constant matter of political strife and sectional discussion, it is better, in my judgment, to abandon it than to keep up an incessant, fruitless struggle. It is like legislation to prohibit by law the selling of liquor. I believe that it would be wise to prohibit the sale of liquor, with the exceptions usually made in prohibitory laws. But if we are to have in any State, as we have had in so many States, a prohibitory law one year, another with different provisions the next, a license law the next, and the difficulty all the time in enforcing any of them, it is better to give the attempt at prohibition up and to adopt a local option, or high license, or some other policy. In other words, it is better to have the second best law kept permanently on the statute book than to have the best law there half the time.

So after Senator Hill's repealing act got through the Senate, I announced that so far as I was concerned and so far as I had the right



to express the opinion of Northern Republicans, I thought the attempt to secure the rights of the colored people by national legislation would be abandoned until there were a considerable change of opinion in the country, and especially in the South, and until it had ceased to become matter of party strife. To that announcement Senator Chandler, of New Hampshire, who had been one of the most zealous advocates of the national laws, expressed his assent. That statement has been repeated once or twice on the floor of the Senate. So far as I know, no Republican has dissented from it. Certainly there has been no bill for that purpose introduced in either House of Congress, or proposed, so far as I know, in the Republican press or in any Republican platform since.

The question upon which the policy of all national election laws depends is, At whose will do you hold your right to be an American citizen? What power can you invoke if that right be withheld from you? If you hold the right at will of your State, then you can invoke no power but the State for its vindication. If you hold it at the will of the Nation, as expressed by the people of the whole Nation under the Constitution of the United States, then you are entitled to invoke the power of the United States for its enforcement whenever necessary. If you hold it at the will of the white Democracy of any State or neighborhood then, as unfortunately seems to be the case in a good many States, you will be permitted to exercise it only if you are a white man, and then only so long as you are a Democrat.

I have had during my whole life to deal with that most difficult of all political problems, the relation to each other, in a Republic, of men of different races. It is a question which has vexed the American people from the beginning of their history. It is, if I am not much mistaken, to vex them still more hereafter. First the Indian, then the Negro, then the Chinese, now the Filipino, disturb our peace. In the near future will come the Italian and the Pole and the great population of Asia, with whom we are soon to be brought into most intimate and close relation.

In my opinion, in all these race difficulties and troubles, the fault has been with the Anglo-Saxon. Undoubtedly the Indian has been a savage; the Negro has been a savage; the lower order of Chinamen have been gross and sometimes bestial. The inhabitants of the Philippine Islands in their natural rights, which, as we had solemnly declared to be a self-evident truth, were theirs beyond question, have committed acts of barbarism. But in every case these inferior and alien races, if they had been dealt with justly, in my opinion would have been elevated by quiet, peaceful, and Christian conduct on our part to a higher plane and brought out of their barbarism. The white man has been the offender.

I have no desire to recall the story of the methods by which the political majorities, consisting in many communities largely of negroes and led by immigrants from the North, were subdued.

This is not a sectional question.

It is not a race question. The suffrage was conferred on the negro by the Southern States themselves. They can always make their own rules. If the negro be ignorant, you may define ignorance and disfranchise that. If the negro be vicious, you may define vice and disfranchise that. If the negro be poor, you may define poverty and disfranchise that. If the negro be idle, you may define idleness and disfranchise that. If the negro be lazy, you may define laziness and disfranchise that. If you will only disfranchise him for the qualities which you say unfit him to vote and not for his race or the color of his skin, there is no constitutional obstacle in your way.

So it was not wholly a race or a color problem. It was largely a question of party supremacy. In three States—Alabama, South Carolina, and Florida—white Democrats charged each other with stifling the voice of the majority by fraudulent election processes, and in Alabama they claimed that a majority of white men were disfranchised by a false count of negro votes in the black belt.

It was not wholly unnatural that the men who, in dealing with each other, were men of scrupulous honor and of undoubted courage should have brought themselves to do such things, or at any rate to screen and sympathize with the more hot-headed men who did them. The proof in the public records of those public crimes is abundant. With the exception of Reverdy Johnson, of Maryland, there is no record of a single manly remonstrance or expression of disapproval from the lips of any prominent southern man. But they had persuaded themselves to believe that a contest for political power with a party largely composed of negroes was a contest for their civilization itself. They thought it like a fight for life with a pack of wolves. In some parts of the South there were men as ready to murder a negro who tried to get an office as to kill a fox they found prowling about a henroost. These brave and haughty men who had governed the country for half a century, who had held the power of the United States at bay for four years, who had never doffed their hats to any prince or noble on earth, even in whose faults or vices there was nothing mean or petty, never having been suspected of corruption, who, as Macaulay said of the younger Pitt, "If in an hour of ambition they might have been tempted to ruin their country, never would have stooped to pilfer from her," could not brook the sight of a legislature made up of ignorant negroes who had been their own slaves, and of venal carpetbaggers. They could not endure that men, some of whom had been bought and sold like chattels in the time of slavery, and others ready to sell themselves, although they were freemen, should sit to legislate for their States with their noble and brave history. I myself, although I have always maintained, and do now, the equal right of all men of whatever color or race to a share in the government of the country, felt a thrill of sadness when I saw the Legislature of Louisiana in session in the winter of 1873.

There was a good deal of to provoke them also in the character of some of the northern men who had gone to the South to take an active part in political affairs. Some of them were men of the highest character and honor, actuated by pure and unselfish motives. If they had been met cordially by the communities where they took up their abode they would have brought to them a most valuable quality of citizenship. If northern immigration and northern capital had been welcomed at the South, it would have had as helpful an influence as it had in California and Oregon. But the southern men treated them all alike. I incline to think that a large number of the men who got political office in the South, when the men who had taken part in the Rebellion were still disfranchised and the Republicans were still in power, were of a character that would not have been tolerated in public office in the North. Gen. Willard Warner, of Alabama, a brave Union soldier, a Republican Senator from that State, was one of the best and bravest men who ever sat in that body. Gov. Packard, of Louisiana, was, I believe, a wise and honest man. But in general it was impossible not to feel a certain sympathy with a people who, whatever else had been their faults, never were guilty of corruption or meanness or the desire to make money out of public office, in the intolerable loathing which they felt

for these strangers who had taken possession of the high places in their States.

President Grant gave the influence and authority of his administration toward maintaining in power the lawfully chosen Republican State governments. But in spite of all he could do they had all been overthrown but two when the presidential election was held in 1876. Those two were South Carolina and Louisiana. The people of those two States had chosen Republican governors at the State election held on the same day with the election of the President. But these governors could not hold their power 24 hours without the support of the national administration. When that was withdrawn the negro and carpetbag majority was powerless as a flock of sheep before a pack of wolves to resist their brave and unscrupulous Democratic enemy, however inferior the latter in numbers.

In attempting to give a dispassionate account of the history of this great question which has entered so deeply into the political and social life of the American people almost from the beginning, it is hard to measure the influence of race prejudice, of sectional feeling, and of that other powerful motive, eagerness for party supremacy.

Suffrage was conferred upon the negro by the Southern States themselves. Under the Constitution every State can prescribe its own qualifications for suffrage, with the single exception that no State can deny or abridge the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude.

But I am bound to say—indeed, it is but to repeat what I have said many times—that my long conflict with their leaders has impressed me with an ever-increasing admiration of the great and high qualities of our southern people. I said at Chicago in February, 1903, what I said, in substance, 20 years before in Faneuil Hall, and at about the same time in the Senate:

"Having said what I thought to say on this question, perhaps I may be indulged in adding that although my life, politically and personally, has been a life of almost constant strife with the leaders of the southern people, yet as I grow older I have learned not only to respect and esteem, but to love, the great qualities which belong to my fellow citizens of the Southern States. They are a noble race. We may well take pattern from them in some of the great virtues which make up the strength, as they make the glory, of free States. Their love of home, their chivalrous respect for woman, their courage, their delicate sense of honor, their constancy, which can abide by an opinion or a purpose or an interest of their States through adversity and through prosperity, through the years and through the generations, are things by which the people of the more mercurial North may take a lesson. And there is another thing—covetousness, corruption, the low temptation of money has not yet found any place in our southern politics.

"Now, my friends, we can not afford to live, we don't wish to live, and we will not live, in a state of estrangement from a people who possess these qualities. They are our kindred, bone of our bone, flesh of our flesh, blood of our blood, and whatever may be the temporary error of any Southern State I, for one, if I have a right to speak for Massachusetts, say to her, 'Entreat me not to leave thee, nor to return from following after thee. For where thou goest I will go, and where thou stayest I will stay also. And thy people shall be my people and thy God my God.'

In July, 1898, I was invited to deliver an address before the Virginia Bar Association. I was received by that company of distinguished gentlemen with a hospitality like that I had found at Charleston the year before. Certainly the old estrangements are gone. I took occasion in my address to appeal to the Virginia bar to give the weight of their great influence in sustaining the dignity and authority of the Supreme Court, in spite of their disappointment at some of its decisions of constitutional questions. They received what I had to say, although they knew I differed from them on some of the gravest matters which concerned the State and had been an antislavery man from my youth, with a respect and courtesy which left nothing to be desired. At the banquet which followed the address this toast was given by William Wirt Henry, a grandson of Patrick Henry, himself one of the foremost lawyers and historians of the South. I prize very highly the original which I have in his handwriting.

"Massachusetts and Virginia.

"Foremost in planting the English colonies in America;

"Foremost in resisting British tyranny;

"Foremost in the Revolution which won our independence and established our free institutions;

"May the memories of the past be the bond of the future."

My own endeavor during my long public life has been to maintain the doctrine of the Declaration of Independence, which declares the right of every man to political equality by virtue of his manhood, and of every people to self-government by virtue of its character as a people. This our fathers meant to lay down as the fundamental law of States and of the United States, having its steadfast and immovable foundation in the law of God. It was never their purpose to declare that ignorance or vice or want of experience of the institutions of a country should not disqualify men from a share in the Government. Those things they meant to leave to the discretion of the power, whether State or National, which was to prescribe the qualifications of suffrage. But they did not mean that the accident of birthplace or the accident of race or the accident of color should enter into the question at all. To this doctrine I have, in my humble way, endeavored to adhere. In dealing with the Chinese or any class of immigrants I would prescribe as strict a rule as the strictest for ascertaining whether the immigrant meant in good faith to be an American citizen, whether he meant to end his life here, to bring his wife and children with him, whether he loved American institutions, whether he was fit to understand the political problems with which the people had to deal, whether he had individual worth or health of body or mind. I would make, if need be, 10 years or 2 years as the necessary period of residence for naturalization.

I would deal with the negro or the German or the Frenchman or the Italian on the same principle. But the one thing I have never consented to is that a man shall be kept out of this country or kept in a position of inferiority while he is in it because of his color, because of his birthplace, or because of his race.

One matter in connection with the management of the elections bill I have never been able to think of since without a shudder. The Democrats in the Senate, led by Mr. Gorman, the most skillful of their leaders, endeavored to defeat the bill by the tactics of delay. If the debate could be prolonged so that it was impossible to get a vote without the loss of the great appropriation bills, or some of them, the bill of course must be laid aside. So the Republicans, on the other hand, as is usual in such cases, refrained from debate, leaving their antagonists to take up the time. Every afternoon at about 5 o'clock some Democrat would come to me saying that he was to take the floor, but that he did not feel well or was not quite ready with some material,



and ask me as a personal favor to let the matter go over until the next morning. This happened so often that I became satisfied it was a concerted scheme, and made up my mind that I would not yield to such a request again.

But one afternoon Senator Wilson of Maryland, a quiet and most estimable gentleman, whom I had known very well, and for whom I had a high regard, came to me and said he felt quite unwell; he could go on that afternoon, if I insisted upon it; but he would like much better to put off speaking till the next day. I was just beginning my answer to the effect that I had heard that so often that I had determined I would not yield again to the request. But I said to myself, It can not be possible that this man would undertake to deceive me. He is a gentleman of high character, absolutely honorable and incapable of falsehood. So I answered, "Of course, Mr. Wilson, if you are ill, I will consent to your desire." Mr. Wilson made his speech the next day. This was December 15. A few weeks after, on the 24th of February, Mr. Wilson died suddenly of heart disease. It was an affection of which he had been conscious for some years, and which he had for some time expected would cause sudden death. I dare say if he had been compelled to proceed with his speech that day it would have been fatal. In that case my life would have been embittered by the memory.

We had a meeting of the Republican members of the committee, for consultation, before we reported the bill. Mr. Evarts, while he approved the principle of the measure, shared very strongly my own hesitation, caused by the fear of the political effect of the defeat of a measure likely to excite so much angry strife throughout the country. After hearing the opinion of those who favored going on with the bill, Mr. Evarts said: "I spent a Sunday with Judge Kent on the Hudson a good many years ago, with several New York lawyers. We all went to the Episcopal Church in the forenoon, and dined with the judge after church. During the service one of the company kept far behind in the responses, which annoyed the judge a good deal. At dinner he broke out, 'Davis, why can't you descend into hell with the rest of the congregation?' I will descend into hell with the rest of the congregation."

Mr. Evarts made the descent and stood loyally by the measure in the debate to the best of his great ability.

I do not know of anything quite so instructive as the manner in which the attempt to regulate elections was disposed of at that time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for 10 minutes.

Mr. UNDERWOOD. Mr. Speaker, some 10 or 12 years ago I offered an amendment to a pending bill in this House to elect United States Senators by the people, and the bill was amended and passed by this House practically with the unanimous vote of this side of the House and most of the votes on that side of the House providing for the election of United States Senators by the people without any more limitations than are contained in the bill now offered by the gentleman from Missouri [Mr. RUCKER]. [Applause on the Democratic side.]

I have no fear of a force bill. [Applause on the Democratic side.] I have no fear that the people of the North desire any more to control the election machinery of the Southern States to-day than the people of the South desire to control the election machinery of the North. [Applause on the Democratic side.]

Mr. Speaker, I am in favor of the maintenance of the fundamental principles of the Constitution of the United States in their integrity, as established by our fathers. I believe that those great fundamental principles that are written in the Constitution of the United States are there to protect the rights and the liberties and the property of the minority, and to see that they are not destroyed by the ruthless hands of a brutal majority any more than they should be destroyed by a czar or a kingly power. [Applause.]

Mr. Speaker, I believe that the Government of the United States should be controlled by the people of the United States [applause], and be responsive to the sober, deliberate judgment of a majority of the people of the United States, as determined and exercised by their chosen representatives in the Congress of the United States. I believe that in the past it has been demonstrated that our present method of electing United States Senators does not make them responsive to the deliberate and sober judgment of the American people at all times. [Applause on the Democratic side.]

I do not believe that the election of United States Senators by the people will overthrow the guaranties of the Constitution of the United States. On the other hand, I believe it will bring our Government in closer touch with the American people than it is to-day. [Applause.]

It will make it more responsive to the real will of the American people, and in this day and hour, when new theories are being advanced, when it is being proclaimed that we should tear down the fundamental principles, that we should go back to the old idea of a direct Democracy and legislate absolutely by the voter himself instead of his representative, I do not believe you can pass any bill, Mr. Speaker, that will do so much to strengthen and sustain the Constitution of the United States as it was established by our fathers as this bill, author-

izing the people of the United States to elect by their own votes their representatives in the Senate of the United States as well as in this House. [Applause.]

Now, if I could select, I would enact the bill that we voted for in the House originally. I prefer that form of the bill, but I realize, as every other man within the sound of my voice realizes, that if you do not pass this bill as it is proposed by the chairman of the committee, the gentleman from Missouri [Mr. RUCKER], you defeat the proposition, and it will not be submitted to the people of the United States for them to pass upon.

We are not enacting this into law. If it is a vicious proposition, one more than a fourth of the States can defeat it. It goes to the people and the States for their determination. I would vote for the proposition offered by the gentleman from Georgia [Mr. BARTLETT] if I had not reached the conclusion that the adoption of his amendment would endanger the vital proposition that is pending before the House. If I were assured that the proposition offered by the gentleman from Georgia could be adopted as an amendment and passed by the Senate of the United States; if I were assured that we could adopt his amendment and that it would go to the Senate and the bill would yet come back here and we would get a chance to vote on it I would vote for the proposition offered by the gentleman from Georgia. But, believing as I do, that if we adopt that amendment and send the bill back to the Senate of the United States we would thereby ring its death knell, and that the only chance, after awaiting for decades, of giving the people of the United States an opportunity to vote on a constitutional amendment that will give them the free right to select their representatives, to voice their will in both branches of Congress, is to pass this resolution as proposed by the gentleman from Missouri [Mr. RUCKER]. I, with my vote, will sustain him when the roll is called. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] is recognized.

Mr. BARTLETT. How much time is there remaining, Mr. Speaker, upon this side?

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has 31 minutes remaining and the gentleman from Georgia [Mr. BARTLETT] 24 minutes.

Mr. BARTLETT. Does the gentleman from Missouri want me to proceed now?

Mr. RUCKER of Missouri. If the gentleman will.

Mr. BARTLETT. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for five minutes.

Mr. SAUNDERS. Mr. Speaker, the original resolution proposing to amend the Constitution so as to provide for the popular election of Senators, was a House resolution. After full debate it was passed in this body by an overwhelming majority. Prior to its passage the House voted down two amendments designed to leave in the hands of Congress the paramount authority to make regulations relating to the time, place, and manner of holding elections for United States Senators. In the form in which the joint resolution passed this body, it was expressly provided that this power of regulation should be exclusively lodged in the legislatures of the respective States. The vice of the Bristow, or Senate amendment to this resolution consists in the fact that it strikes out this provision for exclusive State regulation, and leaves the power in the hands of the States, subject to Federal control. We are now asked to recede from a position which we maintained by three separate votes of record, and agree to a proposition which we solemnly rejected by those votes.

I would like to know what sufficient argument has been advanced to-day to justify this House in receding from an attitude which it so deliberately adopted, or why it is so strenuously insisted that we should accede to an objectionable amendment that was adopted in the coordinate branch by a majority of one?

Why does my friend from Alabama [Mr. UNDERWOOD] insist with such confidence that if we adopt the amendment offered by the gentleman from Georgia, we sound the death knell of the movement for the popular election of United States Senators? The attitude of the Senate has for many years, been one of hostility to this method of selecting the Members of that body.

Should the Senate with its well-known record of hostility, or indifference to this amendment, designed to bring the Members of the so-called upper branch, into more direct and responsive relations to the people, decide to reject the whole proposition from hostility to the Bartlett amendment, there will be no



difficulty on the part of the American people in placing the blame for this rejection where that blame belongs. Should we lose the amendment at this session we will not lose it for all time. It will be at most a mere temporary defeat that the real friends of this movement can well afford to hazard, to gain the greater victory. [Applause.] There is another House of Representatives to be elected this fall. There are other Senators to be elected, in the near future, and I have no apprehension, Mr. Speaker—

Mr. RUCKER of Missouri. The gentleman means that we could introduce a new resolution and put it through the Senate again at the next session?

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. The gentleman means that we could probably get votes enough to pass it?

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. Does not the gentleman know that it would be impossible to get a two-thirds vote of that Senate now on any proposition like this?

Mr. SAUNDERS. I only know this, that on a great, fundamental proposition like this, on the one side of which is the popular branch of Congress, and the great American people, and on the other, the Senate of the United States, that body can not continuously maintain an attitude of opposition to the popular will. I know this as well as I know anything. I know that the history of all reforms is that the House of Representatives continues to put a proposition up to the Senate, until finally the pressure of public opinion compels that body to adopt it. This is the history of progressive legislation in this country. It is, I may say, the history of progressive legislation in all free countries.

A sectional element has been injected into the consideration of this question, which has no proper place here. We of the South are no more acutely interested in this amendment than the Members from the East, or the North, or the West.

The possible danger of force bills, brings no greater apprehension to us, than it should bring to the Members from other sections who believe in the rights of the States.

This proposition should be considered on its merits, unrelated to the unhappy legislation of the era of reconstruction, save only as that legislation illustrates the powers claimed by Congress under the paramount authority to make regulations for the manner of holding elections for Representatives. I would like to ask my friends on the other side, and for that matter some of my friends on this side, why it is that they reiterate the assertion that they have no apprehension that the time will ever come again when deputy marshals, or Federal supervisors, or Federal soldiers will attend the elections for Members of this body. They say that these things have passed away, never to return; and yet they insist upon retaining in the Federal Constitution that provision upon which, and upon which alone, rests the authority to order this interference with the orderly conduct of elections in the States.

I favor the amendment as it originally passed this House, because it remits to the States the authority to prescribe the times, places, and manner of holding elections for Senators. There is no man on, or off this floor who can define the limits of the Federal authority to interfere with the regulations of the States touching the manner of holding elections for Members of Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. I yield to the gentleman three minutes more.

Mr. SAUNDERS. When the Constitution declares that the Congress shall have paramount authority to provide regulations with respect to the time, the place, and the manner, of holding elections, we are at no loss to know the meaning of that instrument so far as it relates to the time, and the place. But there is no participant in this debate who can inform this House what is comprehended in the power to make regulations as to "the manner of holding elections," or who will undertake to establish its delimitations. I affirm that it is a dangerous thing for a free people to preserve in their organic law, a provision of indefinite authority, one never likely to be used, save in time of political stress, and then used only to be abused. Why this insistence upon the retention of a provision affording a power which it is stoutly insisted will never be exercised?

Mr. JACKSON. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Kansas?

Mr. SAUNDERS. I yield to the gentleman from Kansas.

Mr. JACKSON. Does the gentleman mean to argue that he would advocate the repeal of that provision concerning the election of Members of this House?

Mr. SAUNDERS. With respect to the time, place, and manner?

Mr. JACKSON. Yes.

Mr. SAUNDERS. I certainly would, for this reason, Mr. Speaker—

Mr. JACKSON. Then, the gentleman believes that this House and the Senate should have no power whatever over the manner in which their Members should be elected?

Mr. SAUNDERS. Does the gentleman from Kansas know what are the limits of the power conferred by that language?

Mr. JACKSON. I think the courts have settled that pretty well.

Mr. SAUNDERS. Never so far as I am aware. The extent of that authority has never been fixed, or its limits ascertained to any definite or certain degree. A large power of some sort is conferred, a power that is dangerous in proportion to its uncertainty.

Mr. JACKSON. The gentleman can say the same thing about a great many other definitions, but the courts have had no trouble in applying this.

Mr. BARTLETT. Oh, but they have.

Mr. JACKSON. They have had no trouble in applying this in a way entirely just to everyone concerned.

Mr. SAUNDERS. This is a matter of fundamental power, of fundamental relation between the States and the Nation, and the language by which this power is conveyed, and this relation is established, is vague, and indefinite. The unknown is always terrifying, and the indefinite should always be made definite, or else eliminated. The State of the gentleman from Kansas is as much interested in opposing the Bristow amendment as is my own State.

The SPEAKER. The time of the gentleman has again expired.

Mr. BARTLETT. I yield to the gentleman two minutes.

Mr. JACKSON. Will the gentleman allow me?

Mr. SAUNDERS. I can not yield in two minutes. I have no objection if you will give me the time.

Mr. JACKSON. I have no time to yield.

The SPEAKER. The gentleman from Virginia declines to yield.

Mr. SAUNDERS. This House has some Members who have been here long enough to have participated in the debate on the force bill. There are many others who followed the course of the same debate, and we all know that when that bill was before this body, and the subject of discussion, the advocates of the measure, relied exclusively upon the provision relating to the manner of holding elections, to justify its objectionable provisions. You gentlemen say that the days of the force bill will never return. Why then do you desire to retain a provision upon which the authority to enact such a bill rests, and rests exclusively?

Mr. Speaker, it is fundamentally true that no constitution should include any provision that undertakes to establish relations, and afford authority that are insusceptible of exact ascertainment. If the gentlemen on that side are sincere, and the gentlemen on this side are equally sincere, in believing that never again will the effort be made to enact a force bill, then take advantage of this era of good feeling to strike from the Constitution the clause which continues the possibility of such a measure as the outcome of some future Congress not so happily constituted.

Now is the time to stand by our former action. Never fear that our consistent adherence to the attitude embodied in the passage of the House resolution, will cause us to lose this great, this progressive, this fundamental measure of reform in the method of selecting Senators of the United States.

The suggestion that the other body will kill the whole proposition unless we agree to the Bristow amendment, should not influence our action. This movement will not die in that fashion. A temporary reverse is often the prelude of a more complete and glorious victory. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I now yield eight minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, during my term of service in this House the House has passed three or four or five times a resolution for an amendment to the Constitution to provide for the direct election of Senators. Every time that that resolution has been passed, previous to this Congress, it has been passed in substantially the form of the present Senate amendment. On each of these occasions when the resolution was passed in a Republican House I did not hear the gentleman from Georgia



[Mr. BARTLETT] or any other gentleman from the South express opposition to the resolution or express fear of its effect.

These resolutions were each passed practically by unanimous consent in the House, practically by unanimous vote in the House, and each time the resolution passed it involved precisely the same question that is now presented before the House by the Senate resolution.

I fail to understand why gentlemen, when these resolutions were in the House before, did not express opposition to the resolutions if they were opposed to them on the merits of the proposition. Each of these former resolutions died without action of the Senate.

We have now passed a resolution in the House which has been passed with an amendment in the Senate, and for the first time, except when it was sent to conference, for the first time in the history of the Republic we have an opportunity to-day to eventuate into a passed resolution and present a question to the States that we have been urging in this House for years [applause], and when the supreme moment comes, when the final opportunity offers itself, gentlemen who sat silent in their seats before, now find imaginary, ghost-like objections to the proposition. [Applause.]

The gentleman from Virginia [Mr. SAUNDERS] who has just spoken seems to assume that the original House resolution amended the provision of the Constitution to which he referred, but it does not do so at all. The provision of the Constitution giving Congress the power to fix the time, place, and manner of electing Members of the House is not proposed to be changed by the House resolution. The authority under which the force bill was legislated would still remain in the Constitution. The objections are imaginary; they are not well founded. We ought to preserve to the General Government at all times the supreme right in the last resort to preserve its existence by controlling the manner of elections, if it becomes necessary. No one believes that in our day it will become necessary to control the manner of elections in the States, but who can predict what may happen in the far future in some particular State? I am in favor of preserving the authority to the General Government, and in favor to-day, now, while we have the chance, of passing a resolution which will submit to the States a popular and needed reform—the election of Senators by the people. [Applause.] Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Missouri has 25 minutes remaining.

Mr. BARTLETT. Does the gentleman from Missouri propose to close with one speech?

Mr. RUCKER of Missouri. Yes.

Mr. BARTLETT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, of course this question can not be argued in 4 minutes, but it may be illustrated. At present, under our Constitution, the Senate of the United States is chosen by the legislatures of the different States, and under that express provision of the Constitution there has never been found any means by which the Federal Government can project itself into the election of Senators by the presence of either troops or the judging of the qualifications of electors, or the appointment of supervisors of elections or judges of elections, or the use of United States marshals. With the Bartlett amendment we may obtain the election of Senators by direct vote of the people and yet preserve to the States the same, sole State control of such elections as we have now. But without that amendment a new element is injected into the election of Senators, to wit, the Federal power to provide the qualification of electors of Senators, the Federal appointment of supervisors of the election of Senators and judges of elections, the use of United States marshals, and the use of the United States troops at the election of Senators whenever the party in power nationally may be tempted to exercise such power. Whether this may happen next year or 20 years from now I know not.

Now, the illustration I wish to make is this. It is an old story, but it puts the question before us clearly: A simple-minded youth on one occasion was dividing the flocks of his father with a wiser brother. There was one magnificent sheep in the bunch that Simple Billy loved to distraction. The wiser brother divided the sheep into two flocks and placed this magnificent sheep in among a lot of poor, scabby sheep, and then he said to Billy, "Take your choice." Simple Billy studied long, but at last he turned himself sadly from his much-loved favorite. With sorrow and longing he looked at his sheep and said, "I love you, but I can't love your company."

Now, the election of Senators by direct vote of the people is my desire, but you include in the plan of that election the scabby sheep of the power of the Federal Government to provide

qualifications for electors; you put in the scabby sheep that authorizes the establishment of supervisors of elections; you put in the scabby sheep that will authorize the Federal Government to appoint judges of elections; you put in the scabby sheep that will authorize the Federal Government to appoint United States marshals to supervise elections and place the military authorities and troops of the Federal Government in charge of the election of Senators. For one I may love the magnificent sheep as did Simple Billy, but I do not like the company he is in. [Applause.]

For one, Mr. Speaker, I will not cast my vote to tear down the temple in which is the last refuge of State sovereignty. [Applause.] I will maintain as far as I know the inviolable autonomy of indestructible States; I will spell Nation with a big "N," but also spell State with a big "S." [Applause.]

No man can say what the future may bring forth, and because all is peaceful now is no reason we may not have evils to encounter in the future; not in the South alone, but in the West and in the North. [Applause.] In this measure, without the Bartlett amendment, we attack the very corner stone upon which the indestructibility of the States rests and pave the way for their destruction.

Mr. RUCKER of Missouri. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CONRY].

Mr. CONRY. Mr. Speaker, when this proposition came up before the House for consideration originally, I voted for it, because I believed then, as I believe now, that the creation of power upon the theory that it is not going to be exercised or employed is a principle that is wrong and pernicious in government. It is an untenable principle, and the elimination of such a provision from the Constitution is an imperative necessity. There were two great reforms contemplated by that legislation. First, the election of Senators by direct vote of the people [applause], and, secondly, the elimination from the Constitution of that provision which created a power and authority in the Government upon the theory that it would never be employed. Not being able to secure the accomplishment of both of these reforms, as a member of the conference committee representing this House I yielded the lesser evil to the accomplishment of the greater reform, because I believed that the demands for the reform contemplated by this resolution appealed more forcibly and more potentially to the minds and the hearts and the patriotism of the American people than would the other one. [Applause.]

For that reason I come here to this House to-day prepared to vote for the proposition that is submitted to us by the committee, knowing full well that if that proposition is accepted by this House this great reform will assuredly be consummated. We will effect a reform, universally demanded, which has agitated the country for the last 25 or 30 years. And when legislators, honestly seeking true reform, are confronted by the condition which will guarantee the successful accomplishment of their purpose, it is their patriotic duty to yield a moiety of their demands in order that the paramount issue may be crystallized into law, and for that reason I will support, and I honestly believe every Member of this side of the House will be fully justified in supporting, the proposition which now calls for our wise and careful consideration. [Applause.]

The fears entertained by some Members on this side of the House are not justified by the conduct of the Government in dealing with the constitutional regulations affecting the election of Senators. Never during the existence of the Republic have the powers intrusted to the Government by the Constitution been exercised to the detriment either of the people or of the States. The time for the accomplishment of this great reform is at hand. The opportunity to carry it into effect is here. Should we fail to take advantage of it, we will be held to a strict accountability for our stewardship before the country. There is but one course to follow, and that is the unqualified support of this resolution. In its support we will fulfill our pledges to the people and perform our patriotic duty to the States and to the Republic. [Applause.]

Mr. BARTLETT. I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, it is admitted, under the provisions of the Constitution as it stands now, that the Congress of the United States, if it saw proper to exercise the power conferred, can superintend and supervise the elections of Members of this House. It is admitted that under the provisions of the Constitution as it exists to-day the Congress of the United States has not the power to the same extent to supervise and superintend the election of United States Senators. The purpose when the Constitution was adopted was to preserve this distinction, giving to the Government of the United States the right to supervise the election of the Members of the House, but



denying to the Government of the United States the right to supervise the election of United States Senators and reserving that right to the States. Then it is proposed by this provision, as it is written in this resolution, to give to the Congress of the United States the same right to superintend and supervise the election of Senators as it has to supervise the election of Members of the House. I favor the election of United States Senators by the people. I have so voted and advocated it during my political life, and I would gladly vote for the provision to-day as it passed the House and went to the Senate, but I regret I shall not have an opportunity to do so. The fact that Members insist on keeping the provisions of this resolution as it exists to-day shows that they intend to take away from the States some of the power which they now have and correspondingly confer it upon the Government of the United States. I can not conscientiously vote for that proposition, and I will not do so. I will never vote to take any power now conferred upon the States away and give it to the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Speaker, how much time is there remaining?

The SPEAKER. The gentleman has eight minutes left.

Mr. BARTLETT. Mr. Speaker, the Democratic platform of 1908 contains a provision which is as follows:

Believing, with Jefferson, in "the support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies," and in "the preservation of the General Government in whole constitutional vigor as the sheet anchor of our peace at home and safety abroad," we are opposed to the centralization implied in the suggestion, now frequently made, that the powers of the General Government should be extended by judicial construction.

Mr. Speaker, the Democratic caucus that met in this Hall immediately on the assembling of this Congress declared in favor of certain measures, and declared in favor of the Rucker bill, which passed this House, and this House, on the 13th of April, voted for the Rucker bill and voted down the Young amendment, which is identical in word, in language, and in every way with the proposed amendment. The bill then went to the Senate, and the Senate added or substituted for our bill the Bristow amendment, and on the 21st day of June, 1911, each Member on this side of the House, by a majority of 60, voted against this identical proposition, and now, with the hands of this House tied by caucus, with the direction by a unanimous vote of the caucus to stand and vote for the original Rucker bill, we come in here to-day and we find the gentleman from Missouri and the Democratic floor leader on this side of the House advocating that which the Democratic caucus refused to advocate and advocating that which he voted against in a Democratic caucus, and again on the 13th day of April and on the 21st day of June, 1911. Mr. Speaker, I do not think that it is the duty of this House, because the Senate has seen fit to vote upon an amendment which has twice been voted down, which finds no place in the Democratic caucus, to now support it because the Senate upon one vote declines to recede. Shall we surrender tamely, supinely, and cowardly the position of the House to the Senate? Ah, Mr. Speaker, I regret to see the gentleman from Alabama take the position that he did. I will not state that it is a disappointment to me, because that is immaterial, but I had reason to hope, I had his assurance that this amendment that I offered would be voted for and supported by him. I have no criticism to make upon his change of opinion, because he had the right to make that change, but it is fortunate for the gentleman from Alabama that he did not make that speech 10 days ago.

Mr. Speaker, it was never the intention of the framers of the Constitution that Congress should control or regulate the election of Representatives in Congress except when the States failed or neglected to make the necessary regulations as to the holding such elections. As showing this intent, I quote the following:

The convention of the State of South Carolina used this language when it passed upon the question of the adoption of the Constitution. In its articles of adoption the State said:

"And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people, under the operation of a General Government, that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution."

The State of Virginia, in its act of June 26, 1788, adopting the Constitution, used this language:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same."

North Carolina adopted the Constitution in 1789, and in so doing used the same language that Virginia did, each of them expressing the same idea, that this dangerous grant of power in the Federal Government was only to provide against the contingency that the States themselves should refuse or fail to exercise it, and that Congress should not interfere in prescribing the times, places, and manner of holding elections except when the legislature of any State should neglect or refuse or be incapable to prescribe the same.

The State of New York, from which, as I said, I have copied this amendment, although it is almost in the same language in the resolutions adopted by the other States, ratified the Constitution on the 28th of July, 1788, and used this language in the act of ratification:

"Under these impressions"—

Which had been previously stated in the resolution—

"Under these impressions, and declaring that the rights aforesaid can not be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution shall receive an early and mature consideration, we, the said delegates \* \* \* do by these presents assent to and ratify the said Constitution."

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution \* \* \* that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises."

Rhode Island, June 26, 1790, used the same language as did the State of New York—only stronger.

Pennsylvania said, in the article adopting the Constitution:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue."

The State of Massachusetts, February 6, 1789, used this language:

"That Congress do not exercise the powers vested in them by the fourth section of the first article but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

And Massachusetts, in the same document, went on to say:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in said article."

New Hampshire ratified on June 21, 1788, and used in recommendation the same language as did Massachusetts.

Mr. Speaker, what is the amendment I offer? I propose by this amendment to declare and say that the Congress shall not have the power to order or change the qualifications of the electors of a State. What Democrat will rise in his place here to-day and say he is in favor of the United States Congress changing or altering or providing for the qualifications of voters in the various States, or that power should not remain where it has been lodged since the foundation of this Government? The Supreme Court of the United States has repeatedly upheld the right of the States to regulate the right of suffrage, and who among the Democratic majority will declare he is in favor of changing this law, as you will if you oppose my amendment?

Stand up. I pause that you may do so. When you do, you mark yourself as not being in favor of a Democratic doctrine. What man is there on this side that is in favor of the appointment of supervisors of elections, judges of elections, and returning boards? What Democrat on this side is in favor of that? If there are any, stand up and say that you are in favor of it. What Democrat on this side is in favor of permitting the use of United States marshals and military forces and the Army of the United States at the polls during elections? If there be any Democrat who is in favor of it, stand up and have the nerve to say it. All that the amendment I propose provides is that Congress shall not have authority hereafter to do these things. Do you Members from Indiana remember the prosecution of your citizens there under the Federal election law? Are you in favor of granting Congress that power under the Bristow amendment? If you are, vote against my amendment.

Mr. Speaker, I close this debate as I began. The people of Georgia, whom I have the honor, in part, to represent on this floor and whom I have endeavored faithfully, if not efficiently, to represent for 17 years, are Democrats by faith, by environment, and by all the things that they hold holy and sacred. And, Mr. Speaker, our social system and local self-government will be preserved by the white people of the South for themselves and their posterity in spite of all that can be said or done by busybodies or intermeddlers.

The immutable laws of God can not be changed or be made to bend to serve the ideas or purposes of would-be philanthropists or pretended reformers.

The immutable decrees of Providence that make the Caucasian—the Anglo-Saxon—the superior race; that forbid its deterioration, by submission to an inferior race, have stood the test through the moral and physical convulsions of more than



20 centuries, and will stand the test of the centuries yet to come, till—

The cloud-capped towers, the gorgeous palaces,  
The solemn temples, the great globe itself,  
Yea, and all which it inherit, shall dissolve.

The SPEAKER. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Missouri [Mr. RUCKER] yield me one minute of his time?

Mr. RUCKER of Missouri. I will.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman. Mr. Speaker, we propose to stand by the Democratic Party, but, above all, we propose to stand by that determination we made during the trying years of the reconstruction period and have kept through all the years, to preserve inviolable the white supremacy and the Caucasian control of our section. And now in this hour, when our own party associates would again subject us to the like dangers—

Lord God of Hosts, be with us yet,  
Lest we forget, lest we forget.

[Applause.]

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has 21 minutes remaining.

[Mr. RUCKER of Missouri addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I am advised that there are a good many Members in the House who would like to extend remarks in the RECORD, both for and against this amendment; therefore I ask unanimous consent that any Member may have five legislative days within which to extend remarks.

Mr. BARTLETT. Does the gentleman mean those who have spoken upon the measure?

Mr. RUCKER of Missouri. No; any Member.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all Members may have five legislative days in which to extend or to print remarks in the RECORD.

Mr. MANN. On this subject?

The SPEAKER. On this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Speaker—

The SPEAKER. The previous question has been ordered.

Mr. SAUNDERS. I wish to ask unanimous consent, Mr. Speaker, that the amendment of the gentleman from Georgia be reported.

The SPEAKER. The Clerk, without objection, will again report the motion of the gentleman from Georgia. The Chair wishes to state that the vote will first be taken on the motion of the gentleman from Georgia that the House concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

To concur in the Senate amendment with the following amendment: "Provided, That Congress shall not have the power or authority to provide for the qualification of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States, or troops of the United States at the polls during the said election."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Missouri [Mr. RUCKER] moves that the House recede from its disagreement. Now, the motion of the gentleman from Georgia, if put at this time, must be also that the House recedes from its disagreement and concurs in the amendment with an amendment, because the first thing the House has to do is to recede.

Mr. BARTLETT. I thought I put it in proper form. It is a difference of tweedledee and tweedledum.

Mr. MANN. We are in disagreement with the Senate amendment, and we must first recede before we can agree to it.

Mr. BARTLETT. I yield to the superior knowledge of the gentleman from Illinois in parliamentary law.

Mr. MANN. I suggest that the gentleman add to his motion a motion to recede.

Mr. BARTLETT. I will if it will not lose its preferential status.

Mr. MANN. Oh, no.

Mr. BARTLETT. Then, Mr. Speaker, I ask unanimous consent to modify my amendment and move that the House recede and concur in the Senate amendment with the amendment.

The SPEAKER. The Clerk, without objection, will add to the gentleman's motion that the House recede from its disagreement and concur in the Senate amendment with the following amendment. The Clerk will report the motion as it now stands.

The Clerk read as follows:

That the House recede from its disagreement to the Senate amendment and concur in the Senate amendment, with the following amendment, etc.

The SPEAKER. The question now is on the motion of the gentleman from Georgia.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. BARTLETT. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 189, answered "present" 5, not voting 109, as follows:

#### YEAS—89.

Adamson	Doughton	Hughes, Ga.	Saunders
Aiken, S. C.	Dupré	Hull	Sherley
Bartlett	Edwards	Humphreys, Miss.	Sims
Beall, Tex.	Ellerbe	Jacoway	Sisson
Bell, Ga.	Estopinal	Johnson, Ky.	Slayden
Blackmon	Faison	Jones	Small
Booher	Ferris	Kahn	Smith, Tex.
Brantley	Finley	Kitchin	Stedman
Broussard	Flood, Va.	Knowland	Stephens, Miss.
Bulkley	Floyd, Ark.	Korby	Stephens, Tex.
Byrnes, S. C.	Garner	Lee, Ga.	Taggart
Byrns, Tenn.	Garrett	Lever	Talbot, Md.
Callaway	Glass	Linthicum	Thomas
Candler	Goodwin, Ark.	Macon	Tribble
Cantrill	Gregg, Tex.	Moore, Tex.	Turnbull
Carter	Hardy	Oldfield	Watkins
Clayton	Harrison, Miss.	Padgett	Webb
Collier	Harrison, N. Y.	Page	WickHiffe
Covington	Hay	Pou	Witherspoon
Cravens	Hayes	Ransdell, La.	Young, Tex.
Dent	Holland	Roddenbery	
Dickson, Miss.	Houston	Rothermel	
Dies	Howard	Rouse	

#### NAYS—189.

Adair	Esch	Konop	Rainey
Alney	Evans	Kopp	Raker
Akin, N. Y.	Farr	Lafferty	Rauch
Alexander	Fergusson	La Follette	Redfield
Allen	Fitzgerald	Lawrence	Rees
Anderson, Minn.	Fordney	Lee, Pa.	Reilly
Anderson, Ohio.	Fornes	Lenroct	Reyburn
Ansberry	Foss	Levy	Roberts, Mass.
Anthony	Foster	Lewis	Rubey
Ashbrook	Fowler	Lindbergh	Rucker, Colo.
Austin	Francis	Lloyd	Rucker, Mo.
Barchfeld	French	Lobeck	Russell
Barnhart	Fuller	Loud	Scully
Bartholdt	Gallagher	McCall	Sharp
Boehne	Gardner, N. J.	McCoy	Sherwood
Borland	George	McDermott	Slemp
Bowman	Good	McGillcuddy	Sloan
Buchanan	Gould	McGuire, Okla.	Smith, J. M. C.
Burke, Wis.	Graham	McKenzie	Steenerson
Burleson	Gray	McKinney	Stephens, Cal.
Butler	Green, Iowa	McLaughlin	Stephens, Nebr.
Cannon	Greene, Mass.	Madden	Sterling
Cary	Gregg, Pa.	Maguire, Nebr.	Stevens, Minn.
Catlin	Hamill	Malby	Stone
Cline	Hamilton, Mich.	Mann	Sweet
Connell	Hamilton, W. Va.	Martin, Colo.	Talcott, N. Y.
Conry	Hamlin	Martin, S. Dak.	Taylor, Colo.
Cooper	Hanna	Miller	Thayer
Copley	Harris	Mondell	Tilson
Crago	Hartman	Moon, Pa.	Towner
Crumpacker	Haugen	Morgan	Townsend
Cullop	Hayden	Morrison	Tuttle
Currier	Heald	Morse, Wis.	Underhill
Dalzell	Helgesen	Moss, Ind.	Underwood
Daugherty	Henry, Conn.	Murray	Utter
Davis, Minn.	Henry, Tex.	Neeley	Vare
Davis, W. Va.	Hensley	Nelson	Warburton
De Forest	Higgins	Norris	Wedemeyer
Denver	Hill	Nye	White
Dickinson	Hobson	Olmsted	Wilder
Difenderfer	Howell	Parran	Willis
Dixon, Ind.	Hughes, N. J.	Payne	Wilson, Ill.
Dodds	Jackson	Pepper	Wilson, Pa.
Donohoe	Kendall	Peters	Wood, N. J.
Doremus	Kennedy	Post	Young, Kans.
Driscoll, D. A.	Kent	Pray	
Driscoll, M. E.	Kinkaid, Nebr.	Prince	
Dyer	Kinkaid, N. J.	Prouty	

#### ANSWERED "PRESENT"—5.

Davenport	Dwight	Gillett	Weeks
Davidson			

#### NOT VOTING—109.

Ames	Clark, Fla.	Gudger	Lafean
Andrus	Claypool	Guernsey	Lamb
Ayres	Cox, Ind.	Hammond	Langham
Bates	Cox, Ohio	Hardwick	Langley
Bathrick	Curley	Hayley	Legare
Berger	Curry	Heflin	Lindsay
Bradley	Danforth	Helm	Littlepage
Brown	Draper	Hinds	Littleton
Browning	Fairchild	Howland	Longworth
Burgess	Fields	Hubbard	McCreary
Burke, Pa.	Focht	Hughes, W. Va.	McHenry
Burke, S. Dak.	Gardner, Mass.	Humphrey, Wash.	McKellar
Burnett	Godwin, N. C.	James	McKinley
Calder	Goeke	Johnson, S. C.	McMorran
Campbell	Goldfogle	Kindred	Maher
Carlin	Griest	Konig	Matthews



Mays	Porter	Sheppard	Taylor, Ala.
Moon, Tenn.	Powers	Simmons	Taylor, Ohio.
Moore, Pa.	Pujo	Smith, Saml. W.	Thistlewood
Mott	Randell, Tex.	Smith, Cal.	Volstead
Murdock	Richardson	Smith, N. Y.	Vreeland
Needham	Riordan	Sparkman	Whitacre
O'Shaunessy	Roberts, Nev.	Speer	Wilson, N. Y.
Palmer	Robinson	Stack	Woods, Iowa
Patten, N. Y.	Rodenberg	Stanley	Young, Mich.
Patton, Pa.	Sabath	Sulloway	
Pickett	Sells	Sulzer	
Plumley	Shackelford	Switzer	

So (two-thirds not having voted therefor) the amendment of the gentleman from Georgia [Mr. BARTLETT] was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. PATTEN of New York with Mr. FAIRCHILD.

For one week:

Mr. BROWN with Mr. LANGHAM.

Until May 21:

Mr. BURGESS with Mr. WEEKS.

For two weeks:

Mr. SHACKLEFORD with Mr. DRAPER.

Until further notice:

Mr. BATHRICK with Mr. SAMUEL W. SMITH.

Mr. O'SHAUNESSY with Mr. CALDER.

Mr. COX of Indiana with Mr. DANFORTH.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHEPPARD with Mr. BATES.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SABATH with Mr. MATTHEWS.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. PUJO with Mr. MCMORRAN.

Mr. AYRES with Mr. SPEER.

Mr. BURNETT with Mr. MCCREARY.

Mr. CARLIN with Mr. AMES.

Mr. CLAYPOOL with Mr. BROWNING.

Mr. LITTLEPAGE with Mr. GRIEST.

Mr. CURLEY with Mr. FOCHT.

Mr. GOEKE with Mr. GUERNSEY.

Mr. GOLDFOGLE with Mr. HINDS.

Mr. GUDGER with Mr. HOWLAND.

Mr. HAMMOND with Mr. HUBBARD.

Mr. LEGARE with Mr. MCKINLEY.

Mr. LINDSAY with Mr. MOTT.

Mr. MCHENRY with Mr. MURDOCK.

Mr. MCKELLAR with Mr. NEEDHAM.

Mr. MAHER with Mr. PICKETT.

Mr. SMITH of New York with Mr. ROBERTS of Nevada.

Mr. STACK with Mr. PLUMLEY.

Mr. STANLEY with Mr. SMITH of California.

Mr. SULZER with Mr. HAWLEY.

Mr. TAYLOR of Alabama with Mr. SWITZER.

Mr. WHITACRE with Mr. YOUNG of Michigan.

Mr. WILSON of New York with Mr. BURKE of Pennsylvania.

Mr. CLARK of Florida with Mr. LONGWORTH.

Mr. JAMES with Mr. PATTON of Pennsylvania.

Mr. ROBINSON with Mr. WOODS of Iowa.

Mr. PALMER with Mr. MOORE of Pennsylvania.

Mr. HEFLIN with Mr. LAFEAN.

Mr. GODWIN of North Carolina with Mr. VREELAND.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. MOON of Tennessee with Mr. SIMMONS.

Mr. KONIG with Mr. HUMPHREY of Washington.

Mr. KINDRED with Mr. PORTER.

Mr. JOHNSON of South Carolina with Mr. GILLET.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. HELM with Mr. RODENBERG.

Mr. LITTLETON with Mr. DWIGHT.

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDREUS.

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri [Mr. RUCKER] to recede and concur.

Mr. RUCKER of Missouri. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 238, nays 39, answered "present" 5, not voting 110, as follows:

#### YEAS—238.

Adair	Allen	Ashbrook	Beall, Tex.
Alken, S. C.	Anderson, Minn.	Austin	Boehne
Ainey	Anderson, Ohio	Barchfeld	Booher
Akin, N. Y.	Ansberry	Barnhart	Bowman
Alexander	Anthony	Bartholdt	Buchanan

Bulkley	Garner	Lindbergh	Rothermel
Burke, Wis.	Garrett	Linthicum	Rouse
Burleson	George	Lloyd	Rubey
Butler	Good	Lobeck	Rucker, Colo.
Byrnes, S. C.	Gould	Loud	Rucker, Mo.
Byrns, Tenn.	Graham	McCall	Russell
Callaway	Gray	McCoy	Scully
Cannon	Green, Iowa	McDermott	Sharp
Cantrill	Greene, Mass.	McGillicuddy	Sherley
Cary	Gregg, Pa.	McGuire, Okla.	Sherwood
Catlin	Guernsey	McKenzie	Simmons
Clayton	Hamill	McKinley	Sims
Cline	Hamilton, Mich.	McKinney	Slomp
Connell	Hamilton, W. Va.	McLaughlin	Sloan
Conry	Hamlin	Madden	Small
Cooper	Hanna	Maguire, Nebr.	Smith, J. M. C.
Copley	Harris	Malby	Smith, Tex.
Covington	Harrison, N. Y.	Mann	Stedman
Crago	Hartman	Martin, Colo.	Steenerson
Cravens	Haugen	Martin, S. Dak.	Stephens, Cal.
Crumpacker	Hayden	Miller	Stephens, Nebr.
Cullop	Hayes	Mondell	Stephens, Tex.
Currier	Heald	Moon, Pa.	Sterling
Dalzell	Helgesen	Moon, Tenn.	Stevens, Minn.
Daugherty	Henry, Conn.	Morgan	Stone
Davis, Minn.	Henry, Tex.	Morrison	Sweet
Davis, W. Va.	Hensley	Morse, Wis.	Taggart
Denver	Higgins	Moss, Ind.	Talbott, Md.
Dickinson	Hill	Murray	Talcott, N. Y.
Difenderfer	Hobson	Neeley	Taylor, Colo.
Dixon, Ind.	Houston	Nelson	Thayer
Dodds	Howell	Norris	Thistlewood
Donohoe	Hughes, N. J.	Nye	Thomas
Doremus	Hull	Olmsted	Tilson
Doughton	Jackson	Padgett	Towner
Driscoll, D. A.	Johnson, Ky.	Page	Townsend
Driscoll, M. E.	Jones	Parran	Tuttle
Dyer	Kahn	Payne	Underhill
Ellerbe	Kendall	Pepper	Underwood
Esch	Kennedy	Peters	Utter
Evans	Kent	Post	Volstead
Farr	Kinkaid, Nebr.	Pou	Warburton
Fergusson	Kinkead, N. J.	Powers	Watkins
Ferris	Kitchin	Pray	Webb
Finley	Knowland	Prince	Wedemeyer
Fitzgerald	Konop	Prouty	White
Fornes	Kopp	Ralney	Wickliffe
Foss	Korbly	Raker	Wilder
Foster	La Follette	Ransdell, La.	Willis
Fowler	Lawrence	Rauch	Wilson, Pa.
Francis	Lee, Pa.	Redfield	Wood, N. J.
French	Lenroot	Rees	Young, Kans.
Fuller	Lever	Reilly	Young, Tex.
Gallagher	Levy	Reyburn	
Gardner, N. J.	Lewis	Roberts, Mass.	

#### NAYS—39.

Adamson	Dupré	Harrison, Miss.	Oldfield
Bartlett	Edwards	Hay	Roddenbery
Bell, Ga.	Estopinal	Holland	Saunders
Blackmon	Faison	Howard	Sisson
Brantley	Flood, Va.	Hughes, Ga.	Slayden
Broussard	Floyd, Ark.	Humphreys, Miss.	Stephens, Miss.
Candler	Glass	Jacoway	Tribble
Collier	Goodwin, Ark.	Lee, Ga.	Turnbull
Dent	Gregg, Tex.	Macon	Witherspoon
Dickson, Miss.	Hardy	Moore, Tex.	

#### ANSWERED "PRESENT"—5.

Davenport	Dwight	Gillett	Weeks
Davidson			

#### NOT VOTING—110.

Ames	Fairchild	Langley	Roberts, Nev.
Andrus	Fields	Legare	Robinson
Ayres	Focht	Lindsay	Rodenberg
Bates	Fordney	Littlepage	Sabath
Bathrick	Gardner, Mass.	Littleton	Sells
Berger	Godwin, N. C.	Longworth	Shackelford
Borland	Goeke	McCreary	Sheppard
Bradley	Goldfogle	McHenry	Smith, Saml. W.
Brown	Griest	McKellar	Smith, Cal.
Browning	Gudger	McMorran	Smith, N. Y.
Burgess	Hammond	Maier	Sparkman
Burke, Pa.	Hardwick	Matthews	Speer
Burke, S. Dak.	Hawley	Mays	Stack
Burnett	Hefflin	Moore, Pa.	Stanley
Calder	Helm	Mott	Sulloway
Campbell	Hinds	Murdock	Sulzer
Carlin	Howland	Needham	Switzer
Carter	Hubbard	O'Shaunessy	Taylor, Ala.
Clark, Fla.	Hughes, W. Va.	Palmer	Taylor, Ohio.
Claypool	Humphrey, Wash.	Patten, N. Y.	Vare
Cox, Ind.	James	Patton, Pa.	Vreeland
Cox, Ohio	Johnson, S. C.	Pickett	Whitacre
Curley	Kindred	Plumley	Wilson, Ill.
Curry	Konig	Porter	Wilson, N. Y.
Danforth	Lafean	Pujo	Woods, Iowa
De Forest	Lafferty	Randell, Tex.	Young, Mich.
Dies	Lamb	Richardson	
Draper	Langham	Riordan	

So (two-thirds having voted in favor thereof) the motion of the gentleman from Missouri [Mr. RUCKER] was agreed to.

The Clerk announced the following additional pairs:

Mr. RICHARDSON with Mr. CALDER.

Mr. BORLAND with Mr. CURRY.

Mr. DIES with Mr. MOTT.

Mr. GOEKE with Mr. PLUMLEY.

For the vote:

Mr. O'SHAUNESSY with Mr. WILSON of Illinois.

The SPEAKER. The gentleman from Oklahoma.



Mr. CARTER. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the House when his name was called?

Mr. CARTER. I was called from the House during the latter part of the previous roll call by two gentlemen from Oklahoma, Hampton Tucker and D. C. McCurtain, of McAlester, to discuss some pending legislation, and when I returned my name had just been passed. I was absent only a few moments and was here during the major portion of the time of both roll calls. I do not like the Bristow amendment, but I strongly favor the main proposition, the election of Senators by direct vote of the people, and I desire to vote "aye" if it is now possible to do so.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. O'SHAUNESSY. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. O'SHAUNESSY. I do not think I was, Mr. Speaker.

The SPEAKER. The gentleman does not qualify.

The announcement of the vote as above recorded was received with applause.

Mr. SISSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SISSON. Article V of the Constitution requires that two-thirds of both Houses, when they deem it necessary, may propose amendments to the Federal Constitution. Now, two-thirds of both Houses have not voted for this proposition.

The SPEAKER. It has always been held that two-thirds of the House means two-thirds of a quorum.

Mr. SISSON. Mr. Speaker, that can not be the proper construction in reference to this article, but because every other—

The SPEAKER. Will the gentleman suspend half a minute?

Mr. MANN. Mr. Speaker, I make the point of order that nothing is in order except the announcement of the result of the vote.

Mr. SISSON. I want to be heard on this, Mr. Speaker.

The SPEAKER. The gentleman will be heard on the point of order. The Chair wishes to state the ruling. It has been held uniformly, so far as the Chair knows, that two-thirds of the House means two-thirds of those voting, a quorum being present.

Mr. SISSON. Now, Mr. Speaker, I am not going to worry the Chair with comparing this article of the Constitution with the other articles of the Constitution where there have been a number of decisions of the Chair with reference to what constitutes a quorum. I have read the decision—there has been but one, and that by Speaker Reed—construing this particular clause of the Constitution. If the Chair shall hold with Speaker Reed on this proposition, we are in the absurd situation that only the fraction of a vote more than one-third of the membership may pass a constitutional provision.

Article V of the Constitution is perfectly distinct. It says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

It is not necessary to go further except to say in all other cases with reference to legislation it states that a majority shall be required to constitute a quorum for the transaction of business, and the passage of an ordinary bill requires only a majority of that quorum. But the language of the Constitution is such that it makes it absurd to say that a fraction of more than one-third of the membership of this House constitutes two-thirds of the House.

If the Chair should hold that the definition "the House" means simply a bare majority of the House, and does not constitute the entire membership of the House, then the ruling of Speaker Reed would be correct, but the House of Representatives is made up now of 394 Members. If you have 394 Members that constitute this House, then the entire membership of the House, under Article V, if it means anything, is required.

Now, there are some other matters that might help us out on this matter. For example, the Supreme Court in passing upon one clause of the Constitution, in speaking of passing a bill over the veto of the President, says it shall be by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in case of a bill. Now, the Constitution provides that in case of a bill it only takes a majority to pass it. Therefore, the Supreme Court held in that case that two-thirds of a quorum was all that was necessary, and with that single exception there has never been any construction of Article V except that by Speaker Reed.

The SPEAKER. The Chair will ask the gentleman if it is not true that all the constructions he has been able to find go one way?

Mr. SISSON. There is only one on this clause.

The SPEAKER. The gentleman just cited one from the Supreme Court.

Mr. SISSON. That was with reference to the passage of a bill over the veto of the President.

The SPEAKER. If it will hold on the passing of a bill over the veto of the President, what reason is there that it would not hold good on this?

Mr. SISSON. Because the Constitution specifically provides it shall be passed by two-thirds of the Senate and House of Representatives, according to rules and limitations we prescribed in case of a bill, and it only requires a majority of a majority to pass a bill. It only requires, in other words, one more.

Mr. RUCKER of Missouri. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER of Missouri. I demand the regular order.

The SPEAKER. The regular order is for the gentleman from Mississippi to discuss his point of order.

Mr. RUCKER of Missouri. I did not know he made a point of order.

Mr. SISSON. I did. It takes two-thirds of the number necessary to pass a bill in order to pass a bill over the President's veto. Now, in that case the Supreme Court, in arguing the question, argues at length, and but for the language provided in case of a bill it is perfectly clear the court would have held this language—"two-thirds of both Houses"—meant the entire membership of the House.

If it means the entire membership of the House, then it takes 260-odd votes to pass this joint resolution. If the construction placed upon it by Speaker Reed is the proper construction, then we have an absurdity in the Constitution—that one more than one-third of the membership of this House can propose an amendment to the Federal Constitution, and, that being the case, this provision of the Constitution is meaningless when it requires two-thirds to pass it.

The SPEAKER. It has been held time out of mind that when the phrase or collocation of words, "the House of Representatives" is used, it means a quorum of the House—that is, 198 Members in this House. If it can do one thing with a bare quorum it can do anything.

Now, last Friday, for instance, they had precisely a quorum on a bill here. It is true that they had to wait an hour or so to get that 197 men. Now, if 99 had voted one way and 98 had voted the other way, you would have had a bill passed by 99 votes out of 393 in the House; and what precedents there are, both of the Supreme Court and of the Speaker—because Mr. Speaker Reed rendered an opinion—held that in a situation like this "two-thirds" meant two-thirds of those voting, provided it was a quorum.

Mr. BARTLETT. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. BARTLETT. I ask the indulgence of the Speaker for a moment, before he renders a decision; just a moment, Mr. Speaker. I am as much opposed to the adoption of this amendment as anyone, but I am also interested in having a correct decision made. I desire to say that, in my judgment, following the precedents of the House—and I have them before me—when it is held that two-thirds are required to adopt an amendment to the Constitution, they mean two-thirds of those present, a quorum being present. I refer the Speaker to the decision to be found in the fifth volume of Hinds' Parliamentary Precedents, section 7028 and following.

The SPEAKER. The Chair has those before him.

Mr. BARTLETT. It was held, as there reported, that the Constitution requires two-thirds of those voting when a quorum is present. I am interested, Mr. Speaker, in having a proper ruling, and I doubt not the Chair will make it and decide that it requires two-thirds to recede from our disagreement and to concur in this amendment.

The SPEAKER. The Chair has stated that the final act in submitting a constitutional amendment requires two-thirds, and this is the final act in submitting this amendment to the American people, so far as the House of Representatives and the Senate are concerned. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I move to reconsider and lay that motion on the table.

Mr. SISSON. One moment, Mr. Speaker. I have gone carefully into these precedents, and with the exception of the decision by Speaker Reed there is no precedent on this particular article of the Constitution. In every other case there was some limitation in the clause, like the one to which I called the attention of the Chair. But in this particular clause of the Constitution there is no such limitation, and article 5 was placed there for the purpose of guarding the instrument as it was



passed. I can not get any construction or any language in any other clause of the Constitution that would warrant the decision reached by Speaker Reed, because this language is perfectly specific, and it hinges, of course, on what constitutes the House of Representatives.

There was quite a discussion in the House at the time, and quite a discussion in the Senate upon the passage of one of the amendments in the Senate, and it was then contended by the better lawyers in the Senate that it required two-thirds of that body to pass a constitutional amendment. But that was in the days when tempests were brewing and the majority was barely a majority; a quorum, but lacking a number of votes of being a majority of the entire Senate. That being true, if the Chair will examine carefully the precedents he will find that Speaker Reed's decision was the only decision in this House that holds that the words "the House of Representatives" mean that the House is made up only of a quorum.

The SPEAKER. The Chair will state to the gentleman and to the House that if the question had never been raised before, and Speaker Reed had never decided it, the present occupant of the Chair would decide it the very same way that Speaker Reed decided it. [Applause.] By the vote just taken the House votes to recede from its disagreement to the Senate amendment and to concur in the Senate amendment, two-thirds having voted therefor. [Applause.]

On motion of Mr. RUCKER of Missouri, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON], chairman of the Committee on the District of Columbia, is recognized.

#### HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

The bill was read, as follows:

*Be it enacted, etc.,* That section 1 and section 7 of the act of Congress entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, be, and they are hereby, amended to read as follows:

"SECTION 1. That from and after the date of approval of this act no combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied as a dwelling, flat, apartment house, tenement, lodging or boarding house, hospital, dormitory, or for any similar purpose shall be erected, altered, or raised to a height of more than four stories, or more than 55 feet in height above the sidewalk, and no combustible or nonfireproof building shall be converted to any of the uses aforesaid if it exceeds either of said limits of height."

"SEC. 7. That for the purposes of this act the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height. No parapet walls shall extend above the limit of height except on nonfireproof dwellings, where a parapet wall or balustrade of a height not exceeding four feet will be permitted above the limit of height of building permitted under this act."

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

#### OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.,* That there shall be, and is hereby, created a board of osteopathic examiners, which will consist of five members, to be selected by the Commissioners of the District of Columbia from a list of 10 practitioners of osteopathy in the District of Columbia, said list to be furnished by the president of the Osteopathic Association of the District of Columbia, and shall include only such practitioners who are qualified as hereinafter provided. Such list shall be transmitted annually to the Commissioners of the District of Columbia under the seal of said association, and shall be signed by the president and secretary thereof, and the commissioners shall make further appointments to the board of osteopathic examiners from the list last submitted. In case of failure of said association to submit said list, the commissioners shall appoint members in good standing of said association without restriction: *Provided, however,* That said members shall be qualified as hereinafter required by graduation and practice. Within 30 days after the commissioners shall have notified the several members of their appointment, each member shall forward to said commissioners the following oath: "I do swear that I will faithfully perform the duties of a member of the board of osteopathic examiners for the District of Columbia to the best of my ability, so help me God," after which the commissioners shall issue to each of the examiners a certificate of appointment.

SEC. 2. That the members of said board first appointed, as hereinbefore provided, shall be practitioners of osteopathy of good moral and professional character, and graduates of colleges or schools of osteopathy recognized by the American Osteopathic Association, and that thereafter no person shall be eligible for such appointment unless, in addition to the qualifications hereinbefore prescribed, he has first obtained a license to practice osteopathy in the District of Columbia under the provisions of this act: *Provided,* That no member of said board shall

hold said position while in any manner financially interested in any osteopathic school or college, or connected with the faculty or management of such school or college.

SEC. 3. That the term of office of the members of said board of osteopathic examiners of the District of Columbia shall be for a term of three years: *Provided,* That of the first members of the board two shall be appointed for one year, two for two years, and one for three years. Any vacancy that may occur from any cause shall be filled for the unexpired term by the Commissioners of the District of Columbia from the list last submitted as provided in section 1 of this act.

SEC. 4. That said board of osteopathic examiners of the District of Columbia shall within 30 days after its appointment organize by electing a president, a secretary, and a treasurer, who shall hold their offices until their successors are elected and qualified. The treasurer shall give bond with security in such sum as said board may determine. Said board shall make such regulations as may be necessary to carry into effect the provisions of this act. There shall be at least one regular meeting of said board each year, and this meeting shall be held in the city of Washington on the last Tuesday in June. Special meetings may be held upon the call of the president and two other members. A majority of said board shall constitute a quorum. Said board shall adopt a seal, keep a record of its proceedings, and a register of all applicants for license to practice osteopathy in the District of Columbia. Said register shall show the name, date of birth, and place of residence of each candidate and the name and location of the institution granting the applicant the degree of doctor or diplomate in osteopathy, the date of his or her diploma, and also whether the applicant was denied or granted a license, and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein.

SEC. 5. That all fees provided for in this act shall be paid in advance to the treasurer of the board of osteopathic examiners of the District of Columbia, to be held as a fund for the use of said board. No funds shall be paid out except on a warrant signed by the president and secretary of said board, and no expense shall be created in excess of the fees and fines as herein provided, but such funds shall be applied by said board to the payment of its expenses and to making a compensation to each member thereof not to exceed \$5 per diem for each day of actual service in the discharge of his duties under this act.

SEC. 6. That any person who was engaged in the practice of osteopathy in the District of Columbia on the 1st day of February, 1912, may deliver to the secretary of the board of osteopathic examiners of the District of Columbia within 90 days after the approval of this act a written application for a license to practice osteopathy in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age, is of good moral character, and had previously obtained a diploma from some legally incorporated and reputable school or college of osteopathy recognized by the American Osteopathic Association, and upon the payment of a fee of \$10 said board shall issue to said applicant a license to practice osteopathy in the District of Columbia, which license shall have like effect for all purposes as a license issued after examination by said board of osteopathic examiners of the District of Columbia, as herein provided. Every license issued by said board shall be signed by each member of said board of osteopathic examiners and shall have affixed to it by the person authorized to affix the same the seal of said board of osteopathic examiners.

SEC. 7. That any person, other than as provided in the preceding section, who desires to enter on the practice of osteopathy in the District of Columbia from and after the approval of this act shall make a written application to the secretary of said board of osteopathic examiners for a license to practice osteopathy in the District of Columbia. Application shall be made upon a form prescribed by the board and shall be accompanied by a fee of \$25, together with satisfactory proof that the applicant is at least 21 years of age, is of good moral character, and has obtained a preliminary education of at least a diploma from a high school of the first class or its equivalent, and has obtained a diploma from some legally incorporated and reputable school or college of osteopathy recognized by the American Osteopathic Association, provided such school or college prescribes a four-year course of at least eight months in each year as a prerequisite to its diploma in osteopathy. Upon complying with these conditions, said board of osteopathic examiners, if satisfied with the same, shall admit said applicant to examination before them, which examination shall include the subjects of anatomy, physiology, chemistry, toxicology, histology, pathology, bacteriology, diagnosis, hygiene, obstetrics, gynecology, surgery, medical jurisprudence, principles and practice of osteopathy, and diseases of the eye, ear, nose, and throat. If the examination is satisfactory to said board of osteopathic examiners, and the applicant shall have made an average of not less than 75 per cent upon all subjects examined upon, with not less than 65 per cent in any one subject, said board of osteopathic examiners shall issue forthwith to said applicant a license to practice osteopathy in the District of Columbia, when it shall have been recorded in the office of the clerk of the Supreme Court of the District of Columbia, and the date and place of record has been certified thereon by said clerk; and the holder of the license shall pay to the clerk of said court a fee of 50 cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and shall register, in a book which the health officer shall provide for that purpose, his or her name and address. Whenever a license is revoked by said board of osteopathic examiners, the secretary thereof shall report that fact in writing to the clerk of said court and to the health officer of the District of Columbia, who shall thereupon cancel such registration. In case the applicant fails to pass a satisfactory examination, said applicant may, at any subsequent meeting of said board of osteopathic examiners within two years, have the privilege of a second examination without the payment of additional fee.

SEC. 8. That any applicant examined and licensed by the board of osteopathic examiners or other lawful authority of any State or Territory of the United States, and having practiced in the jurisdiction thereof for a period of at least one year, may, on personally appearing before and upon the payment of a fee of \$25 to the board of osteopathic examiners of the District of Columbia, and filing with the secretary of the said board a copy of said license, certified by the affidavit of the president and secretary of the board granting said license, and upon showing also that the standard or requirement adopted by said board of examiners that issued said license is substantially the same as is provided by section 7 of this act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges of this act.

SEC. 9. That the license provided for in this act shall authorize the holder to practice osteopathy as taught and practiced in the schools or colleges of osteopathy recognized by the American Osteopathic Association.



SEC. 10. That osteopathic physicians shall observe and be subject to all regulations of the District of Columbia relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, and such reports shall be accepted and honored by the officers or department to whom the same are made.

SEC. 11. That the board of osteopathic examiners of the District of Columbia may refuse to grant a certificate to any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy, and may, after due notice and hearing, revoke such certificate for like cause.

SEC. 12. That any person who shall fraudulently practice or pretend to practice or use the science or system of osteopathy in treating diseases of the human body; who shall buy, sell, or fraudulently obtain any diploma, license record, or registration to practice osteopathy, or who shall use any of the forms or letters "Osteopath," "D. O.," "Osteopathic physician," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term or terms is engaged in the practice of osteopathy, without having first complied with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than \$50 nor more than \$500, or by imprisonment in the District Jail for a period of not less than 10 nor more than 90 days, or by both such fine and imprisonment: *Provided*, That this act shall not apply to commissioned surgeons in the United States Army, Navy, or Marine-Hospital Service, nor to legally registered osteopathic physicians called from any State or Territory to attend specified cases in the District of Columbia, nor to practitioners of osteopathy during the period between the date of the approval of this act and the issue of license as provided by this act. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this act.

SEC. 13. That nothing in this act shall be construed to prevent or in any way interfere with any person engaging in the art of healing in the manner taught by any school of medicine or science, except such as claim to be osteopaths or claim to practice osteopathy.

SEC. 14. That all acts or parts of acts, general or special, not in accordance with the provisions of this act be, and are hereby, repealed.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "examiners," insert the words "for the District of Columbia."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 1, line 8, after the word "the," strike out the words "president of the."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 2, line 3, after the word "make," strike out the word "further" and insert the words "all future."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 2, line 20, after the word "moral," strike out the words "and professional."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 3, line 20, strike out the word "security" and insert the word "surety."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 3, line 21, after the word "such," strike out the word "regulations" and insert the word "by-laws."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 4, line 2, after the word "members," insert the words "of the board."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 4, line 19, after the word "no," strike out the word "expense" and insert the word "debt."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 5, line 19, strike out the words "each member" and insert the words "a majority."

Mr. FOSTER. Mr. Speaker, I should like to ask the gentleman from Kentucky a question. Is it the intention to examine these practitioners and issue to them licenses, when only a majority of the board believe that the license should be issued?

Mr. JOHNSON of Kentucky. No; that was not the intention. The question has arisen as to another medical board here, that if any one of the five members should be absent in Europe or should be ill or away for any cause, a license could not be issued, and it is to cover situations of that kind that we have provided that a majority of the board may issue licenses.

Mr. FOSTER. So it is not the intention, if a minority of the board should decide that an applicant was not entitled to a license, the majority might issue it.

Mr. JOHNSON of Kentucky. No; that was not thought of in the matter. It was only to provide against the absence or illness of members of the board.

Mr. FOSTER. There was one other matter about which I wished to inquire, and that was the striking out in line 20, page 2, of the word "professional."

Mr. JOHNSON of Kentucky. That has gotten to be quite a question now, as to what constitutes ethics. It might be held by the board that it was unprofessional to advertise, and other little things of that kind, and the committee thought best to strike out the words "and professional."

Mr. FOSTER. So you just provide that the applicant shall be a practitioner of osteopathy of good moral character. This takes nothing into consideration as to the professional character of the applicant.

Mr. JOHNSON of Kentucky. We think the words "of good moral character" cover the ground sufficiently.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, on page 6, by striking out, in lines 7, 8, and 9, the words "and has obtained a preliminary education of at least a diploma from a high school of the first class or its equivalent."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 6, line 16, after the word "examiners," strike out the words "if satisfied with the same."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 6, lines 22 and 23, strike out, after the word "if," the words "the examination is satisfactory to said board of osteopathic examiners and."

Mr. MILLER. Mr. Speaker, I would like to ask the chairman of the committee a question. I notice the requirements outlined in section 7 are what might be termed very severe and not as applied to other branches of the medical profession, but possibly might be applied to the profession of osteopathy. I would like to inquire how many of the present practitioners of osteopathy in the District of Columbia the provisions of this bill would very likely preclude from securing permission to practice?

Mr. JOHNSON of Kentucky. None.

Mr. MILLER. I notice that those who are in practice at the date of January 1, 1912, are not obliged to submit to as severe an examination as the applicants hereafter are obliged to pass.

Mr. JOHNSON of Kentucky. I do not think so.

Mr. MILLER. That is the provision of the bill; was there any special reason for that?

Mr. JOHNSON of Kentucky. Those who are already practicing are the graduates of some one of the schools provided for in this bill.

Mr. MILLER. Is it not a fact that there are a large number of osteopaths practicing in the District of Columbia who are really, as you might say, not first class?

Mr. JOHNSON of Kentucky. This bill describes who is an osteopath, and all those who do not come under that description are not permitted to practice.

Mr. MILLER. How many schools now teach osteopathy that are equipped to qualify and graduate students to pass the examination prescribed here?

Mr. JOHNSON of Kentucky. I have no idea.

Mr. MILLER. Is it not a fact that there are just two?

Mr. JOHNSON of Kentucky. I do not know.

Mr. MILLER. There is one at Kirksville, and I was wondering if this bill would really send osteopathic students to one of three schools.

Mr. LLOYD. There are several schools of osteopathy. The one at Kirksville is the parent school. There is one at Des Moines, one at Los Angeles, and several others.

Mr. MILLER. Are they all qualified to give this course of instruction?

Mr. LLOYD. There are many schools that are qualified and there may be some that are not, just the same as in the medical profession there are qualified schools and schools that a diploma would not be accepted from. I think there are six or seven osteopathic schools.

Mr. JOHNSON of Kentucky. Under this bill a diploma itself does not entitle one to practice; they must have a diploma and pass this examination.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 7, line 10, by striking out the word "same" and inserting the word "original."

The committee amendment was agreed to.



The Clerk read the next committee amendment, as follows:  
Amend, line 17, by striking out the words "a satisfactory" and inserting the word "the."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 7, line 22, by striking out the words "examined and."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

On page 8, line 1, strike out the word "may."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

On page 8, line 17, after the word "all," insert the words "the laws and all legal."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 8, section 11, line 25, by striking out, after the word "felony," the words "or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy."

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman, the chairman of the committee, a question. Why is it provided in this section only for those who are convicted of a felony and nothing more?

Mr. JOHNSON of Kentucky. What more would the gentleman have?

Mr. FOSTER. I think it would be an unfortunate thing for a man to be practicing osteopathy or any other profession who is addicted to drugs or vicious habits.

Mr. BARTLETT. That is not a crime.

Mr. FOSTER. I am not talking about its being a crime, but I am talking about the granting of a certificate and revoking the same only upon the conviction of a felony.

Mr. BARTLETT. But a man who is convicted of a felony ought not to practice.

Mr. FOSTER. I believe that, too.

Mr. JOHNSON of Kentucky. When you get down to the vices, that becomes a different matter.

Mr. BARTLETT. Infirmities, either.

Mr. FOSTER. It seems to me a man who is addicted to vices, rendering him unfit to practice osteopathy, ought not to be permitted to practice.

Mr. JOHNSON of Kentucky. But when you get into the question of vices, cigarette smoking, and things of that kind, you had better pass them along. Then, besides, there is ample protection in the bill as to their moral character, and all that.

Mr. FOSTER. Yes; but you confine it to this one thing.

Mr. JOHNSON of Kentucky. And I suspect if you get out among the pill doctors with a provision like this that you would find just as many of those addicted to vices.

Mr. FOSTER. I agree with the gentleman, but I will say to the gentleman from Kentucky that the law providing for the licensing of physicians provides more than this does.

Mr. JOHNSON of Kentucky. Yes. I think it goes too far.

Mr. FOSTER. They are very restricted, much more than you restrict them in a bill of this kind.

Mr. JOHNSON of Kentucky. But you are not restricting the other physicians more in the District of Columbia. These men do not make mistakes by writing the wrong prescription.

Mr. FOSTER. But you provide by saying an osteopathic physician is permitted to treat all manner of diseases.

Mr. JOHNSON of Kentucky. Yes; but they do not give any medicine.

Mr. FOSTER. Certainly; but sins of omission sometimes are as great as sins of commission.

Mr. JOHNSON of Kentucky. They may rub in the wrong place, that is all.

Mr. FOSTER. A man might be injured by the fact that he ought to have other treatment. I am not going to offer any amendment, although I think it is wrong to do that.

Mr. JOHNSON of Kentucky. This is the best we can do.

Mr. FOSTER. I think that is a mistake.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House

on the state of the Union for the purpose of considering District legislation.

Mr. JOHNSON of Kentucky. Mr. Speaker, I withdraw the motion.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I call up the bill H. R. 17681, the District of Columbia appropriation bill, and ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Texas calls up the District of Columbia appropriation bill and asks that the Senate amendments be disagreed to, and that the House ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I desire, when that bill comes up, to have a separate vote on certain amendments. I have no objection to granting unanimous consent for the consideration of the Senate amendments.

The SPEAKER. That is not what the gentleman from Texas asked.

Mr. MANN. I understand.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that all the Senate amendments be disagreed to except Senate amendments 250 to 253, inclusive, and that those amendments be considered in the House as in the Committee of the Whole House.

Mr. MANN. Except amendment No. 253.

Mr. BURLESON. Except amendment No. 253.

The SPEAKER. The Chair did not understand the gentleman's remark.

Mr. MANN. Mr. Speaker, I understood the gentleman from Texas to ask unanimous consent to disagree to all Senate amendments except 250, 251, 252, 254, 255, 256, 257, and 258.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House disagree to all the Senate amendments on the District of Columbia appropriation bill except 250, 251, 252, 254, 255, 256, 257, and 258, and asks that those amendments be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER. The Clerk will report amendment No. 250.

The Clerk read as follows:

Page 54, after line 17, insert:  
"For the purchase of additional ground adjacent to the Corcoran School, for the extension of said school, to be immediately available, \$11,000."

Mr. BURLESON. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Texas moves that the House nonconcur, and the gentleman from Illinois [Mr. MANN] makes a preferential motion that the House concur, in Senate amendment No. 250. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report amendment No. 251.

Mr. BURLESON. A parliamentary inquiry, Mr. Speaker. Was the last motion equivalent to nonconcurring in the Senate amendment?

The SPEAKER. That is the rule. The Clerk will report the Senate amendment No. 251.

The Clerk read as follows:

On page 54, before line 17, insert:  
"Toward the construction of a new Central High School building, including grading and other work necessary to prepare the site for the building, and the total cost of said building, under a contract which is hereby authorized therefore, shall not exceed \$725,000, \$250,000."

Mr. BURLESON. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment. I am willing to consider that amendment and the next amendment together, if the gentleman desires.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the two amendments be considered together.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report amendment 252.

The Clerk read as follows:

On page 67, after line 16, insert:  
"Toward the construction of a new (colored) M Street High School, and the total cost of said building, under a contract which is hereby authorized therefor, shall not exceed \$400,000, \$150,000."

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves to nonconcur in Senate amendments 251 and 252, and the gentleman from Illinois [Mr. MANN] moves to concur in the same. The question is on the motion of the gentleman from Illinois [Mr. MANN] to concur.



The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Ninety-nine Members are present. The Doorkeeper will close the doors—

Mr. LEVY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. LEVY] moves that the House do now adjourn. That motion, under the circumstances, has to be seconded by a majority of those present.

Mr. MANN. Well, Mr. Speaker, I submit the Chair is mistaken about that. The motion to adjourn only has to be seconded after it has been defeated once in the House.

Mr. LEVY. I withdraw the motion, Mr. Speaker.

Mr. MANN. The motion to adjourn has to be seconded after it has been once defeated in the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct, and the gentleman from New York [Mr. LEVY] withdraws his motion to adjourn.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of concurring in the amendments Nos. 251 and 252 will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 76, nays 140, answered "present" 5, not voting 171, as follows:

## YEAS—76.

Ainey	Gardner, N. J.	Knowland	Pray
Anderson, Minn.	Good	Kopp	Prouty
Austin	Green, Iowa	La Follette	Rees
Bowman	Greene, Mass.	Lawrence	Slemp
Butler	Guernsey	Lenroot	Sloan
Cannon	Hamilton, Mich.	Lindbergh	Smith, J. M. C.
Catlin	Harris	McKinley	Steenerson
Cooper	Haugen	McKinney	Stephens, Cal.
Crago	Hayes	McLaughlin	Sterling
Dalzell	Helgesen	Madden	Stevens, Minn.
Davis, Minn.	Higgins	Malby	Thistlewood
De Forest	Hill	Mann	Tilson
Dodds	Humphrey, Wash.	Miller	Utter
Driscoll, M. E.	Jackson	Morgan	Volstead
Dyer	Kahn	Morse, Wis.	Wedemeyer
Esch	Kendall	Nelson	Wildor
Farr	Kennedy	Norris	Willis
Fordney	Kent	Nye	Wilson, Ill.
French	Kinkaid, Nebr.	Payne	Young, Kans.

## NAYS—140.

Adamson	Dies	Hughes, Ga.	Reilly
Aiken, S. C.	Dixon, Ind.	Hughes, N. J.	Roddenbery
Alexander	Donohoe	Hull	Rothermel
Allen	Doremus	Humphreys, Miss.	Rouse
Anderson, Ohio	Doughton	Jacoway	Ruby
Ansberry	Driscoll, D. A.	Johnson, Ky.	Rucker, Colo.
Ashbrook	Edwards	Jones	Russell
Barnhart	Ellerbe	Kinkead, N. J.	Saunders
Bartlett	Evans	Kitchin	Scully
Beall, Tex.	Faison	Konop	Sharp
Bell, Ga.	Ferris	Korbly	Sims
Blackmon	Fitzgerald	Lee, Ga.	Sisson
Boehne	Flood, Va.	Lee, Pa.	Slayden
Booher	Floyd, Ark.	Levy	Smith, Tex.
Buchanan	Foster	Lewis	Stephens, Nebr.
Bulkeley	Francis	Lloyd	Stephens, Tex.
Burleson	Gallagher	Lobeck	Stone
Byrnes, S. C.	Garner	McCoy	Sweet
Bryns, Tenn.	Garrett	Macon	Talbot, Md.
Candler	George	Maguire, Nebr.	Talcott, N. Y.
Cantrill	Glass	Martin, Colo.	Taylor, Colo.
Carter	Goodwin, Ark.	Moon, Tenn.	Thayer
Clayton	Graham	Morrison	Thomas
Cline	Gray	Moss, Ind.	Townsend
Collier	Gregg, Pa.	Murray	Tribble
Connell	Gregg, Tex.	Neeley	Turnbull
Conry	Hamill	Oldfield	Tuttle
Covington	Hamilton, W. Va.	Page	Underwood
Cravens	Harrison, Miss.	Pepper	Watkins
Daugherty	Hay	Post	Webb
Davis, W. Va.	Hayden	Pou	White
Dent	Henry, Tex.	Raker	Wickliffe
Denver	Hensley	Ransdell, La.	Wilson, Pa.
Dickinson	Holland	Rauch	Witherspoon
Dickson, Miss.	Howard	Redfield	Young, Tex.

## ANSWERED "PRESENT"—5.

Cary	Gillett	Houston	McDermott
Davenport			

## NOT VOTING—171.

Adair	Bradley	Campbell	Danforth
Akin, N. Y.	Brantley	Carlin	Davidson
Ames	Broussard	Clark, Fla.	Defenderfer
Andrus	Brown	Claypool	Draper
Anthony	Browning	Copley	Dupré
Ayres	Burgess	Cox, Ind.	Dwight
Barchfeld	Burke, Pa.	Cox, Ohio	Estopinal
Bartholdt	Burke, S. Dak.	Crumpacker	Fairchild
Bates	Burke, Wis.	Cullop	Fergusson
Bathrick	Burnett	Curley	Fields
Berger	Calder	Currier	Finley
Borland	Callaway	Curry	Focht

Fornes	Kindred	Mott	Sherley
Foss	Konig	Murdock	Sherwood
Fowler	Lafean	Needham	Simmons
Fuller	Lafferty	Olmsted	Small
Gardner, Mass.	Lamb	O'Shaunessy	Smith, Saml. W.
Godwin, N. C.	Langham	Padgett	Smith, Cal.
Goeke	Langley	Palmer	Smith, N. Y.
Goldfogle	Legare	Parran	Sparkman
Gould	Lever	Patten, N. Y.	Speer
Griest	Lindsay	Patton, Pa.	Stack
Gudger	Linthicum	Peters	Stanley
Hamlin	Littlepage	Pickett	Stedman
Hammond	Littleton	Plumley	Stephens, Miss.
Hanna	Longworth	Porter	Suloway
Hardwick	Loud	Powers	Sulzer
Hardy	McCall	Prince	Switzer
Harrison, N. Y.	McCreary	Pujo	Taggart
Hartman	McGillcuddy	Rainey	Taylor, Ala.
Hawley	McGuire, Okla.	Randell, Tex.	Taylor, Ohio
Heald	McHenry	Reyburn	Towner
Hefflin	McKellar	Richardson	Underhill
Helm	McKenzie	Riordan	Vare
Henry, Conn.	McMorran	Roberts, Mass.	Vreeland
Hinds	Maher	Roberts, Nev.	Warburton
Hobson	Martin, S. Dak.	Robinson	Weeks
Howell	Matthews	Rodenberg	Whitacre
Howland	Mays	Rucker, Mo.	Willson, N. Y.
Hubbard	Mondell	Sabbath	Wood, N. J.
Hughes, W. Va.	Moon, Pa.	Sells	Woods, Iowa
James	Moore, Pa.	Shackleford	Young, Mich.
Johnson, S. C.	Moore, Tex.	Sheppard	

So the Senate amendments were not concurred in.

The Clerk announced the following additional pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. MCGILLICUDDY with Mr. HOWELL.

Mr. MOORE of Texas with Mr. LOUD.

Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.

Mr. PADGETT with Mr. MCKENZIE.

Mr. PETERS with Mr. OLMSTED.

Mr. RAINEY with Mr. MONDELL.

Mr. RUCKER of Missouri with Mr. PARRAN.

Mr. SHERWOOD with Mr. REYBURN.

Mr. SMALL with Mr. TOWNER.

Mr. STEDMAN with Mr. WARBURTON.

Mr. STEPHENS of Mississippi with Mr. WOOD of New Jersey.

Mr. BURKE of Wisconsin with Mr. ROBERTS of Massachusetts.

Mr. LINTHICUM with Mr. HENRY of Connecticut.

Mr. LEVER with Mr. HEALD.

Mr. DEFENDERFER with Mr. CRUMPACKER.

Mr. DUPRÉ with Mr. CURRIER.

Mr. FOWLER with Mr. FOSS.

Mr. GOULD with Mr. MOTT.

Mr. HARDY with Mr. FULLER.

Mr. HARRISON of New York with Mr. HANNA.

Mr. CULLOP with Mr. COPLEY.

Mr. BROUSSARD with Mr. BARTHOLDT.

Mr. ADAIR with Mr. ANTHONY.

Mr. BRANTLEY with Mr. BARCHFELD.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. JAMES with Mr. MCCALL.

Mr. McDERMOTT with Mr. CARY.

Mr. FINLEY with Mr. HARTMAN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. Further proceedings under the call will be suspended. The Doorkeeper will open the doors. The motion to concur is lost, which is equivalent to nonconcurrence.

Mr. BURLESON. Mr. Speaker, I ask that the next amendment be reported. I ask unanimous consent that the next five amendments be reported and nonconcurred in in gross.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that the next five amendments be reported and nonconcurred in in gross.

Mr. MANN. I object.

The SPEAKER. The Clerk will report amendment numbered 254.

The Clerk read the Senate amendment, as follows:

For the erection of an 8-room extensible building on the site purchased west of Soldiers' Home grounds, south of Rock Creek Road, \$60,000.

Mr. BURLESON. Mr. Speaker, I move to nonconcur in the Senate amendment.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves to nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.



Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 49, noes 105.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered.

Mr. MANN. Mr. Speaker, I withdraw the demand for tellers.

The SPEAKER. The "noes" have it, and the House refuses to concur, which is equivalent to nonconcurrence.

Mr. BURLESON. I ask unanimous consent that Senate amendments numbered 255, 256, 257, and 258 be acted upon in gross, and I move to nonconcur in those amendments.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to act on the four amendments named in gross. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move that the House concur in the four Senate amendments named.

The SPEAKER. The Clerk will report the Senate amendments named.

The Clerk read the Senate amendments, as follows:

For the construction of a four-room annex to the Takoma School, \$36,000.

For the construction of a four-room annex to the Chevy Chase School, including grading of site, \$36,000.

For the construction of a four-room annex to the Birney School, \$35,000.

For the construction of a four-room annex to the Congress Heights School, \$36,000.

The SPEAKER. The motion of the gentleman from Illinois [Mr. MANN] is to concur in the four amendments just read. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER. That is equivalent to nonconcurrence.

Mr. BURLESON. Mr. Speaker, I move that the House request a conference.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves that the House request a conference on the disagreeing votes of the two Houses. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. BURLESON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio.

#### INJUNCTIONS.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 520 (H. Rept. 696).

*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. That there shall be three hours' general debate on said bill and one substitute to be offered, and considered as pending, by the gentleman from Illinois [Mr. STERLING], and at the expiration of such time the previous question shall be considered as ordered on the bill and said substitute to final passage, and the House shall immediately proceed to vote on the bill and substitute without any intervening motion.

Mr. MANN. Mr. Speaker, I desire to reserve all points of order on the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves points of order on the resolution.

Mr. HENRY of Texas. Mr. Speaker, if the House will indulge me just a moment, it is my intention to ask that the House take a recess until 11 o'clock to-morrow morning, and that at that time this rule be taken up for consideration, when an endeavor will be made to agree as to the time for discussion of the rule.

Mr. GARNER. Let the gentleman make the request for unanimous consent.

Mr. HENRY of Texas. I ask unanimous consent that that be the order.

Mr. MANN. That when the House meets to-morrow it meet at 11 o'clock.

Mr. HENRY of Texas. That the House take a recess until 11 o'clock to-morrow morning.

Mr. MANN. Let the gentleman present his request.

The SPEAKER. What is the request of the gentleman from Texas?

Mr. HENRY of Texas. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. I was trying to carry out an understanding I endeavored to have with the gentleman from Illinois [Mr. MANN].

Mr. MANN. I did not have the understanding.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

Mr. HENRY of Texas. Does the gentleman want to make an agreement now about the time for debate of the rule?

Mr. MANN. Let that go until to-morrow.

#### FEDERAL COURT, NORTHERN DISTRICT OF MISSISSIPPI.

Mr. HENRY of Texas. I think the gentleman from Alabama has a conference report which he desires to present.

Mr. MANN. I suggest that that ought to come in later.

Mr. CLAYTON. The conference report was printed in the RECORD on Saturday.

The SPEAKER. The gentleman from Alabama presents a conference report on a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

The SPEAKER. The Clerk will read the conference report. Mr. CLAYTON. I ask that the statement be read in lieu of the report.

Mr. MANN. Reserving the right to object, what is the bill about?

Mr. CLAYTON. It relates to a Federal court in Mississippi. The gentleman will remember that the Senate amended it by putting on a provision with reference to a court in Michigan.

Mr. MANN. I remember, and I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement in lieu of the report.

The conference report is as follows:

#### CONFERENCE REPORT (NO. 687).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments as follows:

Page 4, after line 2, insert: "Provided, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at Sault Ste. Marie, Mich., on the first Tuesdays in January and July of each year."

Amend the title so as to read: "An act to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

H. D. CLAYTON,  
C. C. CARLIN,  
JOHN A. STERLING,

*Managers on the part of the House.*

C. D. CLARK,  
KNUTE NELSON,  
A. O. BACON,

*Managers on the part of the Senate.*

The Clerk read the statement as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 19238 submit the following statement:

The House bill provided for the creation of a division of the Federal court for the northern district of Mississippi, and the Senate amended the bill by adding a section which provided for holding court for the western district of Michigan at Sault Ste. Marie. The Senate conferees agreed to recede from its amendment, and the bill, as now reported, is in the exact terms of the bill as it passed the House.

HENRY D. CLAYTON,  
C. C. CARLIN,  
JOHN A. STERLING,

*Managers on the part of the House.*

The conference report was agreed to.

#### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House, under the order previously made, adjourned until Tuesday, May 14, 1912, at 11 o'clock a. m.



## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 24493) providing for a national military reserve; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 24494) making it unlawful for one fraternal organization to use as a name any part of the name or title of another fraternal organization; to the Committee on the Post Office and Post Roads.

By Mr. DAUGHERTY: A bill (H. R. 24495) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. LOBECK: A bill (H. R. 24496) requiring banks, trust companies, and individual bankers in the District of Columbia to publish certain deposits, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 24497) providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes; to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 24517) to regulate the interstate and foreign shipment of milk, butter, and cheese; to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: A bill (H. R. 24518) authorizing resurveys and retracements in Montana; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24498) granting an increase of pension to Napoleon Sites; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24499) granting an increase of pension to Benjamin W. Sholty; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 24500) for the relief of James J. Gildea; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 24501) granting an increase of pension to Galon S. Huston; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 24502) to enroll Alexander P. Powell and others as Choctaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 24503) granting a pension to Michael Eller; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 24504) granting an increase of pension to John P. Harris; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 24505) granting a pension to Ellen Thompson; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 24506) granting an increase of pension to Thomas F. Stevens; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 24507) for the relief of W. H. Tuck; to the Committee on War Claims.

Also, a bill (H. R. 24508) for the relief of J. M. Timmins; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 24509) granting an increase of pension to John A. Gibson; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 24510) granting a pension to Peter F. Weasel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24511) granting an increase of pension to Hiram F. Butler; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24512) granting an increase of pension to Henry M. Chase; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 24513) granting a pension to Herman Rehn; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 24514) granting a pension to James A. Small; to the Committee on Pensions.

Also, a bill (H. R. 24515) granting an increase of pension to Theodore Moser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24516) granting an increase of pension to William Newsom; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 24519) granting an increase of pension to Timothy W. Reardon; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 24520) for the relief of J. M. Hunnicutt; to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 24521) granting a pension to Isabelle Davis; to the Committee on Pensions.

Also, a bill (H. R. 24522) granting an increase of pension to William H. Beach; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 24523) granting a pension to Helen O. Stewart; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 24524) granting a pension to Mrs. L. L. Gardner; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany House bill 24329, for the relief of Alex B. Henderson, Company E, Eighty-eighth Regiment Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

Also, petition of David J. Crowley and 5 other citizens of Newark, Ohio, against passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARTLETT: Petition of the Savannah Chamber of Commerce, in favor of passage of the semicentennial emancipation exposition bill for celebrating the negro's freedom; to the Committee on Appropriations.

Also, petition of the Savannah Chamber of Commerce, opposing passage of House bill 16844, requiring sellers to place names on packages; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Savannah Chamber of Commerce, favoring free passage of American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Savannah Cotton Exchange, favoring free passage of American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Petition of the board of game commissioners, favoring passage of Senate bill 6497, for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Daughters of Liberty, West Hazleton, Pa., favoring passage of the Gardner bill and Burnett bill for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Luzerne County Medical Society, Wilkes-Barre, Pa., favoring passage of the Owen bill to establish the United States public-health service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Young Men's Hebrew Association, Wilkes-Barre, Pa., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of Chester Lodge, No. 119, I. O. A. I., of Chester, Pa., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Memorials of Ohio Lodge, No. 269, Independent Order B'rith Abraham; Abraham Lincoln Lodge No. 52, United States Grand Lodge B'rith Abraham; citizens' mass meeting at Cleveland, Ohio; Abraham Hershburg Lodge, No. 177, Independent Order B'rith Shalom, Cleveland, Ohio; Independent Order B'rith Abraham, Gath Epl, Lessing Lodge, No. 37, Cleveland Ohio, protesting against the Dillingham and Burnett immigration bills requiring an educational test; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petitions of Plimpton, Cowan & Co., of Buffalo, and Bakst Bros., of New York City, N. Y., against passage of House bill 14060, known as the Richardson bill relating to sale of drugs; and of H. M. Marks & Co., of Chicago, Ill., and Indianapolis Bolster Spring Co., of Indianapolis, Ind., against passage of House bill 16844, relating to sale of manufactured goods; and of the Newport Humane Research Club, of Newport, R. I., favoring passage of House bill 17222, relative to shipping of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of Julius Mathias, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, for prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the National Association of Talking Machines of Pittsburgh, Pa., and of Wm. H. Enhaus & Son and Ellen Soceney, of New York City, N. Y., against passage of the Old-field bill, relative to amending patent laws; to the Committee on Patents.

Also, petition of T. G. Hawkes & Co., of Corning, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DONOHUE: Petition of members of the Philadelphia Stationers' Association, against passage of bills changing present patent laws; to the Committee on Patents.

By Mr. DANIEL A. DRISCOLL: Petition of Polish Blacksmith and Kalia Royal Neighbors and Giviazda Wolmosci, No.



890, and Kalina, No. 906, of New York, and Italian-American Business Men's Association of Buffalo, N. Y., against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

Also, petition of the board of directors of the Maritime Association of the Port of New York, favoring improvements in New York Harbor; to the Committee on Rivers and Harbors.

Also, petition of the United Trades and Labor Council of Buffalo, N. Y., favoring passage of House bills 11372 and 23675, to compel steamships to carry sufficient lifeboats and deck crew, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. MICHAEL E. DRISCOLL: Resolutions of Central City Lodge, No. 232, Independent Order B'rith Abraham, and Sunrise Lodge, No. 496, United States Grand Lodge Order B'rith Abraham, and Hebrew school, Syracuse, N. Y., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the Thread Agency, St. Louis, Mo., favoring the passage of House bill 309, relative to appropriation for relief of the flooded districts on Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of town of Silverton, Colo., and the Silverton Commercial Club, favoring passage of House bill 22081, relative to establishing a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of William Loeffel & Sons, St. Louis, Mo.; the National Association of Talking Machine Jobbers, Pittsburgh, Pa.; Thiebes Piano Co., St. Louis, Mo.; and the Koeber-Brenner Music Co., St. Louis, Mo., protesting against passage of any bill that may affect price maintenance in the present patent laws; to the Committee on Patents.

Also, petition of the Merchants' Exchange of St. Louis, Mo., protesting against any bill that would legalize boycott; to the Committee on the Judiciary.

Also, petition of Local No. 30, United Brotherhood of Leather Workers on Horse Goods, protesting against the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Hotel Jefferson, St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of the Wisconsin Retail Jewelers' Association, Neenah, Wis., protesting against passage of the Old-field bill relative to preventing the patentee or manufacturer from maintaining resale prices on patented goods; to the Committee on Patents.

Also, petition of George W. Bell Post, No. 53, Grand Army of the Republic of Wisconsin, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Blackman-Ross Co., New York, N. Y., protesting against House bill 23417, for abolishing price maintenance on patented articles; to the Committee on Patents.

Also, petition of the State Hospitals Commission of the State of New York, relative to the influx of alien insane; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the United Lithuanian Societies, of Chicago, Ill., against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), relating to literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., against passage of bills relating to sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of Anti-Saloon League of Illinois, favoring passage of the interstate-liquor measures; to the Committee on the Judiciary.

Also, petition of B. Wilsey, of Sandwich, Ill., against passage of bills to amend the patent laws; to the Committee on Patents.

Also, petition of C. H. Markham, of Chicago, Ill., favoring passage of Senate amendment to rivers and harbors appropriation bill, relating to appropriation for relief of flood sufferers at Cairo, Ill.; to the Committee on Rivers and Harbors.

Also, petition of the Marine Engineers' Beneficial Association, No. 4, of Chicago, Ill., favoring passage of House bills 19405, 19406, and 19407, relating to qualifications and appointment of supervising inspectors, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of William P. Doran, of Springfield, Mo., favoring passage of House bill 17167, to grant pensions to members of Capt. William L. Fenix company; and of William Romig, of Bowmanstown, Pa., favoring passage of House bill 1339, granting pensions to survivors of Civil War who lost an arm or leg, etc.; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: Petition of citizens of Bangor, Me., and members of the Brotherhood of Paper Makers of East Millinocket, Me., favoring passage of House bill 19133, for a parcel-post express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of Mebius & Dreschen Co., Sacramento, Cal., and of Sussman, Wormser & Co., San Francisco, Cal., favoring passage of House bill 4667, that merchandise in packages must have net weight and numerical count on them; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Sacramento, Cal., protesting against passage of the Lever bill (H. R. 20281), relative to the dairy industries; to the Committee on Agriculture.

Also, petition of the Woman's Improvement Club of Livingston, Cal., and the Merced County Chamber of Commerce, favoring the San Joaquin-River Flood water canal; to the Committee on Rivers and Harbors.

Also, petition of Dan P. Carter, of San Francisco, Cal., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the board of governors of the San Mateo County Development Association and the supervisors of the county of San Mateo, Cal., favoring inland harbor between Belmont and Redwood City, Cal.; to the Committee on Rivers and Harbors.

By Mr. HENSLEY: Petition of the Methodist Episcopal Church South, of Bismarck, Mo., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HILL: Resolutions of citizens of Stamford, Conn., regarding restoration of the land now occupied by the general post office in New York City to the City Hall Park; to the Committee on the Post Office and Post Roads.

Also, resolutions of citizens of West Cornwall, Conn., against the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, resolutions of South Norwalk Lodge, No. 185, Order of B'rith Abraham, of South Norwalk, Conn., against passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Daughters of Liberty of Butler, N. J., favoring passage of bill for educational test for immigrants, and the Workingmen's Circle of Paterson, N. J., against passage of the Dillingham bill and all bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. JACKSON: Petition of the International Brotherhood of Locomotive Engineers, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Kansas legislative board, Brotherhood of Locomotive Firemen and Engineers, opposing the workmen's compensation bill as passed by the United States Senate; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of C. Amos Reynolds, of Harpers Ferry, W. Va.; Frisby F. Griffith, of Trego, Md.; and 39 other citizens of Maryland, favoring the passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LINDSAY: Petitions of P. L. Stoner, of Lansing, Mich.; Isaac Roberts, of Rectors, Vernon County, Wis.; J. E. Sampson, of Lexington, Neb.; E. B. Du Mond, of Pleasant Valley, N. Y.; A. J. Miller, of Westfield, Vt.; John Weaver, of Beaverdam; and John English, of Galion, Ohio, favoring passage of House bill 1339, for \$65 pension for veterans of the Civil War who have reached age of 70 years; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of Rev. J. S. Guzdek and others, protesting against passage of the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the United Hebrew Trades of New York, protesting against passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Sons of the Revolution in the State of New York relative to collecting and publishing archives relating to the War of the Revolution; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: Petition of citizens of South Andes, S. Dak., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of the Brotherhood of Railway Trainmen, Square Deal Lodge, of Chicago, Ill., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.



Also, resolution of the United Lithuanian Societies of Chicago, Ill., against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

By Mr. MCGILLICUDDY: Petition of Bethel Grange, Maine, favoring passage of Senate bill 6474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolutions of Rabi Hermann Adler Lodge, No. 10; of Buad Mosha Lodge, No. 98; of Ostren Maharsho Lodge, No. 160; and of Old Constantine Lodge, No. 17, Independent Order B'rith Solomon, of Philadelphia, Pa., against passage of the Burnett and Dillingham immigration bills; to the Committee on Immigration and Naturalization.

By Mr. NELSON: Petition of members of the Madison Federation of Labor, Madison, Wis., favoring passage of House bill 22339 and Senate bill 6172, against stop-watch system in Government shops; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Independent Bessarabic Lodge, No. 119; of Providence Lodge, No. 214; and of Sons of Jacob Lodge, No. 175, Independent Order B'rith Abraham, of Providence, R. I., against passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Resolution of the People's Educational Club, Stroudsburg, Pa., against passage of Root amendment to Dillingham immigration bill; to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Auburn City Lodge, No. 454, Independent Order B'rith Abraham, Auburn, N. Y., protesting against passage of the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of members of the Philadelphia Stationers' Association, against passage of bills changing present patent laws; to the Committee on Patents.

Also, resolution of Zangwill Lodge, No. 196, Independent Order B'rith Abraham; of Fruinnell Lodge, No. 284, United States Grand Lodge, Order B'rith Abraham; and of the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition of S. W. Roberson and others, of Denver, Colo., favoring the enactment of the old-age pension law; to the Committee on Pensions.

By Mr. STEPHENS of California: Petition of 228 citizens of Los Angeles, Cal., favoring passage of old-age pension; to the Committee on Pensions.

By Mr. TILSON: Petition of Amalgamated Association of Steam and Electric Railway Employees of America, of New Haven, Conn., requesting favorable consideration of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. WEDEMEYER: Petition of citizens of Lenawee County, Mich., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

## SENATE.

TUESDAY, May 14, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.  
The Journal of yesterday's proceedings was read and approved.

### PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 10, 19, 20, 23, 27, 28, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, and 29, and agree to the same.

P. J. McCUMBER,  
HENRY E. BURNHAM,  
*Managers on the part of the Senate.*  
JOE J. RUSSELL,  
CARL C. ANDERSON,  
CHARLES E. FULLER,  
*Managers on the part of the House.*

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted insert "fifty"; and the Senate agree to the same.

P. J. McCUMBER,  
HENRY E. BURNHAM,  
*Managers on the part of the Senate.*  
JOE J. RUSSELL,  
CARL C. ANDERSON,  
CHARLES E. FULLER,  
*Managers on the part of the House.*

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15, and agree to the same.

P. J. McCUMBER,  
HENRY E. BURNHAM,  
*Managers on the part of the Senate.*  
JOE J. RUSSELL,  
CARL C. ANDERSON,  
CHARLES E. FULLER,  
*Managers on the part of the House.*

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 9, 13, 15, 16, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32, and agree to the same.

P. J. McCUMBER,  
HENRY E. BURNHAM,  
*Managers on the part of the Senate.*  
JOE J. RUSSELL,  
CARL C. ANDERSON,  
CHARLES E. FULLER,  
*Managers on the part of the House.*

The report was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

The message also announced that the House had passed a bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, in which it requested the concurrence of the Senate.